

HOUSE JOURNAL
OF THE
Forty-Fourth Legislature
OF THE
STATE OF WASHINGTON
AT
Olympia, the State Capitol

SECOND EXTRAORDINARY SESSION

Convened July 18, 1975

Recessed July 21, 1975

Convened August 9, 1975

Convened September 5, 1975

Recessed September 6, 1975

Convened January 12, 1976

Adjourned Sine Die March 26, 1976



Leonard A. Sawyer, *Speaker*
John L. O'Brien, *Speaker Pro Tempore*
Dean R. Foster, *Chief Clerk*
Donald R. Wilson, *Assistant Chief Clerk*
Eljo Sutherland, *Minute Clerk*

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Compiled, Edited and Indexed by
Dean R. Foster, *Chief Clerk*
Eljo Sutherland, *Minute Clerk*

SECOND EXTRAORDINARY SESSION

FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, July 18, 1975.

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Amen, Bagnariol, Conner, Haley, Kalich, Matthews, McCormick, Schumaker, Seeberger, Shinpoch, Thompson and Valle. Representatives Bagnariol, Shinpoch and Valle were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Paige Gaspard and Tyler Brooks. Prayer was offered by the Reverend Charles Loyer of the Westminster United Presbyterian Church of Olympia:

"Eternal God and Father, Who hast seen fit to make man a social creature, binding us together in the bundle of life, we are grateful for the benefits that accrue to us through this interrelatedness—the shared insight, the cooperative venture, and the richer life.

"And yet, our Father, because we are only human, this same shared existence creates its own problems and today our legislators have gathered here to wrestle with one of them. As they review the issues at stake, grant that there may be a happy meeting of minds among themselves and between the legislative and executive branches of our government. Crown with success their efforts to exercise responsible leadership. Amen."

MESSAGE FROM SECRETARY OF STATE

July 18, 1975

TO THE HONORABLE,
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
THE LEGISLATURE OF THE STATE OF WASHINGTON
MR. SPEAKER:

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

(Seal)

PROCLAMATION BY THE GOVERNOR

The recently adjourned first extraordinary session of the 44th 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.

(Seal)

MOTION

On motion of Mr. Charette, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 75-58, by Representative Charette:

BE IT RESOLVED, That the Speaker appoint a committee of three members of the House to notify the Senate that the House of Representatives is now organized and ready for business.

On motion of Mr. Charette, House Resolution No. 75-58 was adopted.

In accordance with House Resolution No. 75-58, the Speaker (Mr. O'Brien presiding) appointed Representatives Wojahn, Ceccarelli and Curtis to notify the Senate that the House was ready for business.

HOUSE RESOLUTION NO. 75-59, by Representative Charette:

BE IT RESOLVED, That the State Treasurer and Budget Director be, and they are hereby directed to draw their warrants for payment of the salaries of the employees of the House of Representatives and members' subsistence allowance every seventh day of the second extraordinary session, and they are hereby authorized and directed to deliver the warrants to the Chief Clerk of the House.

BE IT FURTHER RESOLVED, That the Chief Clerk of the House, by and with the approval of the Speaker of the House, be authorized and directed to establish salaries of the employees of the House and to provide to each member the necessary supplies and materials required to operate the House.

On motion of Mr. Charette, the resolution was adopted.

MOTION

On motion of Mr. Charette, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 36, by Representative Charette:

Notifying the Governor that the Legislature is organized.

MOTION

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

On motion of Mr. Charette, the rules were suspended, the second reading considered the third, and House Concurrent Resolution No. 36 was placed on final passage.

House Concurrent Resolution No. 36 was adopted.

MOTION

On motion of Mr. Charette, House Concurrent Resolution No. 36 was ordered immediately transmitted to the Senate.

COMMITTEE FROM SENATE

A special committee from the Senate arrived at the bar of the House and reported that the Senate was organized and ready for business.

The report was received and the committee retired.

REPORT OF SPECIAL COMMITTEE

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

The report was received and the committee was discharged.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 36, the Speaker (Mr. O'Brien presiding) appointed Representatives Charette, Chatalas and Newhouse to notify the Governor, jointly with the committee from the Senate, that the legislature is organized and ready for business.

MESSAGE FROM THE SENATE

July 18, 1975

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 36,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the Speaker had signed:

HOUSE CONCURRENT RESOLUTION NO. 36.

REPORT OF SPECIAL COMMITTEE

The special committee, appointed to notify the Governor, jointly with a committee from the Senate, that the Legislature is organized and ready for business, appeared before the bar of the House and reported that the Governor had been notified.

The report was received and the committee was discharged.

MOTION

On motion of Mr. Charette, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Amen, Martinis, Maxie, McCormick, Polk, Schumaker, Thompson and Valle. Representative Valle was excused.

MESSAGE FROM THE SENATE

July 18, 1975

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 36,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MOTION

On motion of Mr. Charette, the House adjourned until 10:30 a.m., Saturday, July 19, 1975.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wash., Saturday, July 19, 197

The House was called to order at 10:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Amen, Lyse McCormick, Schumaker, Thompson and Valle. Representatives Amen, McCormick, Schumaker and Thompson were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mega Fulton and Christopher Blair. Prayer was offered by the Reverend George M. Mitchell of the First Christian Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

MOTION

On motion of Mr. Curtis, the House recessed until 1:30 p.m.

AFTERNÖON SESSION

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Amen, McCormick, Schumaker and Thompson, who were excused.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1224, by Representatives Parker, Bond, Fortson and Kilbury:

AN ACT Relating to punishment for certain criminal offenses; and adding a new section to chapter 9A. RCW.

To Committee on Judiciary

HOUSE BILL NO. 1225, by Representatives Parker, Bond, Deccio, Fortson and Kilbury:

AN ACT Relating to punishment of convicted felons; and adding a new section to chapter 9A.20 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1226, by Representatives Chatalas, Perry and Bender:

AN ACT Relating to the emergency financing of the common school system; creating new section amending section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 67, chapter 27 Laws of 1975 1st ex. sess. and RCW 28A.48.010; amending section 28A.65.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 151, Laws of 1975 1st ex. sess. and RCW 28A.6.170; making an appropriation; and declaring an emergency.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1227, by Representative Bagnariol:

AN ACT Relating to the emergency financing of the common school system; creating new section amending section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 67, chapter 27 Laws of 1975 1st ex. sess. and RCW 28A.48.010; amending section 28A.65.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 151, Laws of 1975 1st ex. sess. and RCW 28A.6.170; making an appropriation; and declaring an emergency.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1228, by Representatives Chatalas, Perry, Bender, Ceccarelli, Eng, Laughlin, Maxie and Valle:

AN ACT Relating to the emergency financing of the common school system; creating new sections; 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.65.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 151, Laws of 1975 1st ex. sess. and RCW 28A.65.170; making an appropriation; and declaring an emergency.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1229, by Representative Randall:

AN ACT Relating to revenue and taxation; amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 52, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.12.010; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 10, chapter 281, Laws of 1971 ex. sess. and RCW 82.12.020; amending section 4, chapter 90, Laws of 1975 1st ex. sess.; and declaring an emergency.

To Committee on Ways and Means – Revenue

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

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; repealing section 28A.72.020, chapter 223, Laws of 1969 ex. sess., section 8, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.020; repealing section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess., section 9, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.060; repealing section 28A.72.080, chapter 223, Laws of 1969 ex. sess., section 10, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.080; and repealing section 1, chapter 115, Laws of 1973 1st ex. sess., section 11, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.100; prescribing effective dates; and declaring an emergency.

To Committee on State Government

HOUSE BILL NO. 1231, by Representatives Eikenberry, Greengo, Lee, Blair, Brown, Barnes and Zimmerman:

AN ACT Relating to education; making an appropriation; and declaring an emergency.

To Committee on Ways and Means

HOUSE BILL NO. 1232, by Representatives Peterson, Lee, Charnley and Eng:

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

To Committee on Ways and Means

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

AN ACT Relating to appropriations; creating new sections; 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.65.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 151, Laws of 1975 1st ex. sess. and RCW 28A.65.170; amending section 193, chapter 269, Laws of 1975 1st ex. sess. (uncodified); making appropriations; and declaring an emergency.

MOTIONS

Mr. Charette moved that the rules be suspended, and House Bill No. 1233 be advanced to second reading and read the second time in full.

Mr. Eikenberry moved that the motion by Representative Charette be amended and House Concurrent Resolution No. 37 be introduced and considered ahead of House Bill No. 1233.

Mr. Eikenberry spoke in favor of the motion, and Mr. Charette spoke against it.

Mr. Polk demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to amend the motion by Representative Charette, and to place House Concurrent Resolution No. 37 on the calendar before House Bill No. 1233, and the motion was lost by the following vote: Yeas, 31; nays, 57; not voting, 10.

Voting yea: Representatives Barnes, Berentson, Blair, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Juelling, Kuehnl, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Peterson, Polk, Tilly, Whiteside, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Becker, Bender, Ceccarelli, Charette, Charnley, Chatalas, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson,

Gaines, Gallagher, Gaspard, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Luders, Lysen, Maxie, May, McKibbin, Moon, Moreau, North, O'Brien, Parker, Patterson, Perry, Randall, Savage, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Valle, Warnke, Williams, Wilson, Wojahn, and Mr. Speaker.

Not voting: Representatives Adams, Amen, Boldt, Brown, Hanna, Martinis, McCormick, Schumaker, Sommers, Thompson.

The motion by Mr. Charette to suspend the rules and advance House Bill No. 1233 to second reading was carried.

House Bill No. 1233 was read the second time.

On motion of Mr. Luders, the following amendment by Representatives Bagnariol and Luders was adopted:

On page 2, line 14 after "act." insert the following:

"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."

Mr. Luders moved adoption of the following amendment by Representatives Bagnariol and Luders:

On page 2, line 21 after "year." insert the following:

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

POINT OF INQUIRY

Mr. Luders yielded to question by Mr. Newhouse.

Mr. Newhouse: "You say 'shall promulgate rules and regulations to effect the intent of this 1975 act.' Would you point out to me where in this act the legislature is adjusting the intent. You are asking the superintendent to promulgate rules to effect such an intent, and I don't see where the intent is."

Mr. Luders: "The intent is throughout the bill and it is also on page 2, section 3. In the event that this bill passes both houses, the legislative intent has to be spelled out and implemented by the Superintendent of Public Instruction. There will be, incidently, a question asked on the floor relative to this so that the legislative intent is further spelled out in the Journal."

POINT OF INQUIRY

Mr. Luders yielded to question by Mr. Pardini.

Mr. Pardini: "I know that your amendment is in section 2, but it makes reference to the shift in section 3. Prior to the bill being placed on our desks, many members of this body were under the apprehension that the shift would be in the distribution of taxes. Does section 3 shift taxes or does section 3 shift the liability to make payments during a two-month period? It seems to me that if we are shifting the taxes that the appropriation later in the bill should be somewhere around \$80 million rather than \$46 million. With the \$46 million appropriation in the bill I can only assume that we are reducing the obligations of the district to pay those bills during a two-month period and changing the accounting period for the payment of bills rather than shifting of taxes. Is that correct?"

Mr. Luders: "That is correct. It will be a reduction in expenditures for those two months. In effect what this does is that when the whole package is put together involving the two-month shift, it reduces the expenditures required of school districts in this biennium. There is a future amendment that will allow it to go on the on-going basis. What it really will be doing is correcting an oversight of some past legislature by bringing the school program year into conformity with the state fiscal year. We are bringing the collections into the proper fiscal year, but it is a reduction of expenditures and obligations to the school district in this biennium."

Mr. Newhouse spoke against adoption of the amendment.

The amendment was adopted.

On motion of Mr. Luders, the following amendments by Representatives Bagnariol and Luders were adopted:

On page 3, line 6 after "as follows:" strike everything down to the colon on line 9.

On page 3, beginning on line 22 strike everything down to and including the period on line 28.

POINT OF INQUIRY

Mr. Luders yielded to question by Mr. Bagnariol.

Mr. Bagnariol: "Just to make sure that we have enough discussion back and forth on these amendments: The effect now of this bill as amended by your amendments, will provide \$80 million for special levy relief, \$46 million of it coming as a direct appropriation from the general fund, and \$34 million coming from the two-month shift?"

Mr. Luders: "That is correct. There is just one correction I should make though and that is that these are our amendments, Representative Bagnariol."

POINT OF INQUIRY

Mr. Luders yielded to question by Mr. Blair.

Mr. Blair: "Representative Luders, you referred to the appropriation in section 6 of \$46 million as being the total amount of the appropriation that was necessary along with the shift to give us an \$80 million benefit to the districts for the upcoming school year. In that same section 6 there is a proviso that no more than \$3.5 million of such \$46 million shall be allocated to districts which have submitted but failed to authorize one or more excess levies for maintenance and operations. It reads in a way to me that it could be interpreted as meaning that the \$3.5 million would be the total amount from the \$46 million and the \$34 million that would be available to districts that had double levy failures. Is that what the wording means, or does it really mean that a \$3.5 million supplemental appropriation, or an off-the-top appropriation, from the \$46 million will be available for qualified districts?"

Mr. Luders: "It means that taking into account the rest of the bill, and the rest of the authorizations, the \$3.5 million will be taken off the top before the rest is distributed to the districts as roll-back."

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "My question doesn't relate directly to the matter at hand, but it does relate indirectly. In Substitute House Bill No. 866, the primary budget document, relating to section 149, the appropriation to the Superintendent of Public Instruction, that document contained this language, '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. . . .' This language has raised some very serious questions in the minds of some school districts. They are being advised that if they should grant a flat dollar amount salary increase, even though it be equal to certs and noncerts, that they would be challenged in terms of this language. They are also advised that if they go to a percentage increase figure, a 5% or 10%, that they then would be challenged on the basis that it is not an equal increase. I think it's imperative for this session, for the purposes of budget-making out there in the school districts, that this matter be clarified and I would appreciate your clarification for the record of the intent of that language of Substitute House Bill No. 866."

Mr. Shinpoch: "Mr. Kuehnle, I'm not sure—I will respond to what I think the intent was, what I thought we were doing at the time that we did it. I think it means both of those things. We did not preclude a district from giving either a percentage raise or a flat dollar raise or a combination of both if they so desire. In other words, if they wanted to give a one hundred dollar per person raise, then they could give a one hundred dollar per person raise, as long as they treated the certs and the noncerts the same. I thought, by the same token, that if they were going to give a 10% raise and no flat dollar amount, that it was a 10% raise irrespective, if they treated everyone the same, regardless of whether they were certs or noncerts. I don't think that we intended that it had to be one way or the other. I know that we, here, looked at both the flat dollar amount and a percentage and I think we—at least it was my intent—that if they decided to give a \$50 plus 5% raise, as long as they gave that same thing to both certs and noncerts, that we felt—at least I felt—that they were being treated equal."

Mr. Kuehnle: "Thank you. I would interpret that to mean that if the local school district chose to go either direction or a combination of directions, a flat dollar increase or a percentage increase, so long as the percentage increase was the same percentage applied to both certs and noncerts or a combination of those—a flat plus a percentage—that this would comply with the legislative intent of the equal language that is contained here?"

Mr. Shinpoch: "Well, it would comply with what I felt that we were doing when we did that, certainly."

Mr. Freeman moved adoption of the following amendment by Representatives Freeman and Curtis:

Strike all material 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 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-two dollars per full time equivalent pupil enrolled for the 1975-76 school year. The superintendent of public instruction shall determine and notify each local school district of the amount of such funds made available by this section. Each board of directors of a local school district which qualifies for an allotment of funds for special levy relief pursuant to the provisions of this section and has been authorized an excess levy for maintenance and operations for collection in 1976, prior to receiving an allotment of funds hereunder, shall certify to the respective county legislative authority a reduction in the excess levy equal to the amount of funds made available for special levy relief pursuant to this section. Any school district which fails to certify and roll back excess levies in the manner required by this section shall not receive any allotment from the superintendent of public instruction of the funds made available under this section. 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 statewide average per student during the 1974-75 school year, shall receive an amount equal to fifty dollars per full time equivalent pupil during the 1975-76 school year.

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

NEW SECTION. Sec. 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."

Representatives Freeman, and Curtis spoke in favor of the amendment, and Mr. Bagnariol spoke against it.

Mr. Chatalas demanded an electric roll call and the demand was sustained.

Representatives Zimmerman, Greengo, Moon, Blair, Hurley (George) and Fortson spoke against adoption of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Curtis and Freeman to House Bill No. 1233, and the amendment was not adopted by the following vote: Yeas, 21; nays, 73; not voting, 4.

Voting yea: Representatives Bond, Curtis, Dunlap, Flanagan, Freeman, Gilleland, Hansen, Haussler, Hayner, Hurley M., Jastad, Juelling, Kalich, Knowles, Kuehnle, May, Newhouse, Pardini, Polk, Seeberger, Tilly.

Voting nay: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Chatalas, Clemente, Cochrane, Conner, Decchio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard,

Greengo, Haley, Hanna, Hansey, Hawkins, Hendricks, Hurley G. S., Kilbury, King, Laughlin, Leckenby, Lee, Luders, Lysen, Martinis, Matthews, Maxie, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Paris, Parker, Patterson, Perry, Peterson, Randall, Savage, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Amen, McCormick, Schumaker, Thompson.

House Bill No. 1233 was ordered engrossed.

On motion of Mr. Charette, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1233 was placed on final passage.

Representatives Lee and Eikenberry spoke in favor of passage of the bill, and Representative Hurley (Margaret) spoke against it.

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Deccio.

Mr. Deccio: "There is a strong possibility that the budget is precariously balanced, because it is questionable if the revenue projections are there. Is that a fair statement?"

Mr. Bagnariol: "No."

Mr. Deccio: "If it is a fair statement, my question is, if revenue projections are not correct and if revenues come in lower than anticipated, do we face a tax increase in upcoming sessions?"

Mr. Bagnariol: "If the revenue projections that we have budgeted to, which are in effect the Governor's revenue projections, do not materialize we cannot by Constitution end up in a deficit position and therefore we would have to find some way to raise the money; however, based on our most current information, the revenue forecasts as they have come in during the first part of the biennium, look as though the revenue forecasts will materialize. I'm not optimistic enough to feel that we will have an additional revenue at the end of the biennium, other than what was forecast, but I do feel more comfortable now that the Governor's forecast will come to be. The dollars that we used in hard dollars in the direct appropriation, the \$46 million, is on the conservative side of the revenues available, because we backed out the \$5 million that the Governor vetoed, the 3% reduction in force; we backed out the \$5.5 million of the cigarette tax, an anticipated collection that's tied up in court; we took out the Motor Vehicle excise tax dollars that we were fearful needed to be spent, based on the the Attorney General's opinion, for mass transit; we took out all of those iffy items to get down to the \$46 million. So with that, plus the \$34 million, I feel very comfortable that the dollars will be there to fund this \$80 million package."

Mr. Deccio: "It was necessary to increase supplemental budgets totaling \$440 million in the last biennium. Could we stand a duplication of that same kind of increase in supplemental budgets, plus the \$80 million for special levy relief? Could we handle that whole package if it occurred again?"

Mr. Bagnariol: "If the revenues were to generate that much, we could handle it without a tax increase. I don't recall the \$440 million figure. We are hoping, with proper monitoring of government expenditures over this next biennium, that we can avoid those kinds of supplemental budgets that we got trapped into over the past biennium. That doesn't mean there may not be a supplemental budget—things such as a public employee pay raise in the spring of next year or January—those kinds of things, I can't anticipate what the dollars will be or how much revenue will be available, but I would seriously doubt if there is going to be \$400 million available and I'm not sure we spent that much in actual supplemental budgets over the last biennium."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1233, and the bill passed the House by the following vote: Yeas, 74; nays, 19; not voting, 5.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Chatalas, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Jastad, Kalich, Kilbury, King, Laughlin, Leckenby, Lee, Luders, Lysen, Martinis, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Paris, Parker, Perry, Peterson, Randall, Savage, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Bond, Curtis, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Hansen, Hayner, Hurley M., Jueling, Knowles, Kuehnle, Pardini, Patterson, Polk, Seeberger, Tilly, Whiteside.
 Not voting: Representatives Amen, McCormick, Newhouse, Schumaker, Thompson.

Engrossed House Bill No. 1233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Randall, the Committee on Ways and Means – Revenue was relieved of House Bill No. 1229, and the bill was placed on the second reading calendar.

HOUSE BILL NO. 1229, by Representative Randall:

Pertaining to use taxes upon federal and certain other contractors.

The bill was read the second time.

Mr. Conner moved that the rules be suspended, the second reading considered the third, and House Bill No. 1229 be placed on final passage.

Mr. Randall spoke in favor of the motion, and Mr. Kuehnle spoke against it.

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "We have on our desks about three amendments. Have those been withdrawn?"

The Speaker: "Those amendments were withdrawn, because they did deal with matters that had to do with the Department of Revenue plus an approach, and we felt that they should be referred to committee as a separate bill and considered in September, after we have had a chance to go through the ramifications of those amendments."

Mr. Newhouse: "I would suggest that those amendments were agreed upon and we are changing the rules of the game, I suspect, for contractors, who must live by this business and they will be in a period of no-man's land for about three months as far as defining value. I think the amendments should be considered as a part of the whole bill. I don't see why we shouldn't consider them."

The Speaker: "I imagine you are asking me a question because we have already had one speech on each side, isn't that right, Representative Newhouse? These amendments came to the Speaker's attention; the Speaker originally understood that we were attempting to change the definition to increase the validity of the defense of that particular measure in a lawsuit, that this was a problem that had come up after, that the thing had nothing to do with any particular lawsuit, it was a procedural matter how it should be handled. I thought it should be the subject of legislative inquiry and I have given intent to Representative Pardini that those amendments would be considered in committee and would go through the process in September if the committee so desired."

The motion to advance House Bill No. 1229 to third reading and final passage was carried.

Mr. Randall spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Pardini.

Mr. Pardini: "Is it your intent as Chairman of the Ways and Means Subcommittee on Revenue to consider the amendments to which Mr. Kuehnle referred at the next session of the legislature, or the next time we are here for more than one or two days?"

Mr. Randall: "Yes, we'll submit the bill. I feel that the amendments are in order, but they are substantive and we're not here to make substantive changes in the law this weekend."

Mr. Pardini: "During the interim period, if, in bidding on a government contract, the contractor makes a bona fide effort to determine the value of government-owned equipment to be used in the performance of his contract and is, in fact, unable to determine that value to include in his bid, is it the intent of this law that the Department of Revenue can then impose a use tax on that contractor on equipment for which the contractor cannot obtain a value?"

Mr. Randall: "I think that you pose a question to which the answer would have to be yes. The way the law is written that would occur, but I'm satisfied from our testimony, from the arguments pro and con on the floor of the House and in the Senate, this is not the intent of the legislature, to impose a tax liability on an article to which no value can be assigned by the contractor. That's what these amendments touch, and I would hope that within the next six weeks that the department will not arbitrarily assign a tax liability to an article of no ascertainable value to the contractor."

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1229, and the bill passed the House by the following vote: Yeas, 87; nays, 6; not voting, 5.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Berentson, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Chatalas, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Luders, Martinis, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Bender, Bond, Hayner, Kuehnle, Lysen, Williams.

Not voting: Representatives Amen, Chandler, McCormick, Schumaker, Thompson.

House Bill No. 1229, having received the 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 Mr. Charette, Engrossed House Bill No. 1233 and House Bill No. 1229 were ordered immediately transmitted to the Senate.

On motion of Mr. Charette, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 37, by Representatives Eikenberry, Polk, Newhouse, Hansey and Curtis:

Concluding the 2nd extraordinary session and limiting session to consideration of SHB 866.

To Committee on Rules.

MOTIONS

On motion of Mr. Charette, HOUSE BILL NO. 1230 was rereferred from Committee on State Government to Committee on Labor.

On motion of Mr. Charette, the House recessed until 5:00 p.m.

SECOND AFTERNOON SESSION

The House was called to order at 5:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Amen, Ceccarelli, Juelling, Kalich, McCormick, Paris, Schumaker, Thompson and Zimmerman. Representatives Amen, McCormick, Schumaker and Thompson were excused.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

July 19, 1975

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1233 with the following amendments:

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 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."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Bagnariol moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1233.

Mr. Bagnariol spoke in favor of the motion, and Mr. Blair spoke against it.

MOTION

Mr. Pardini moved that section 150, page 85 of Substitute House Bill No. 866 do now pass the House notwithstanding the Governor's veto thereof.

The Speaker: "Representative Pardini, you are out of order. The matter is not before the House at this time."

MOTIONS

Mr. Pardini moved that the Clerk be instructed to read in the message from the Governor regarding the vetoes of Substitute House Bill No. 866.

On motion of Mr. Charette, the motion by Mr. Pardini was laid on the table.

POINT OF PERSONAL PRIVILEGE

Mr. Pardini: "My motion to place the message before us is not a frivolous motion. It is my personal conviction that when we talk about \$65 million, the same amount that was vetoed out, that if we attempt to pass that by majority vote, we are circumventing the constitutional requirements of overriding the governor's veto by two-thirds majority. It is my personal conviction as a member of this body, who has sworn to uphold the Constitution, that we should, in fact, address that question as to whether we will override the gubernatorial veto as provided in the Constitution, or whether we will go around it and make an appropriation of the same amount."

The Speaker stated the question before the House to be the motion to concur in the Senate amendments to Engrossed House Bill No. 1233.

Representatives Lee and Hurley (George) spoke against the motion.

Mr. Conner demanded an oral roll call and the demand was sustained.

Mr. Randall spoke against the motion to concur.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Engrossed House Bill No. 1233, and the motion was lost by the following vote: Yeas, 40; nays, 48; not voting, 10.

Voting yea: Representatives Adams, Bagnariol, Becker, Boldt, Charette, Conner, Curtis, Deccio, Dunlap, Ehlers, Erickson, Flanagan, Fortson, Freeman, Gallagher, Gilleland, Hansen, Haussler, Hayner, Hurley M., Jastad, Kilbury, Knowles, Luders, Martinis, Matthews, May, Nelson, Newhouse, North, Parker, Patterson, Polk, Seeberger, Sherman, Smith R., Sommers, Tilly, Wilson, and Mr. Speaker.

Voting nay: Representatives Barnes, Bauer, Bausch, Bender, Berentson, Blair, Bond, Brown, Chandler, Charnley, Chatalas, Clemente, Cochrane, Douthwaite, Eikenberry, Eng, Fischer, Gaines, Gaspard, Greengo, Haley, Hanna, Hansey, Hawkins, Hendricks, Hurley G. S., King, Kuehnle, Laughlin, Leckenby, Lee, Lysen, Maxie, McKibbin, Moon, Moreau, O'Brien, Pardini, Perry, Peterson, Randall, Savage, Smith E. P., Valle, Warnke, Whiteside, Williams, Wojahn.

Not voting: Representatives Amen, Ceccarelli, Jueling, Kalich, McCormick, Paris, Schumaker, Shipoch, Thompson, Zimmerman.

MOTION

On motion of Mr. Charette, the House adjourned until 10:00 a.m., Sunday, July 20, 1975.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wash., Sunday, July 20, 1975.

The House was called to order at 10:00 a.m. by the Speaker (Mr. Kilbury presiding). The Clerk called the roll and all members were present except Representatives Amen, Maxie, McCormick, O'Brien, Paris, Schumaker and Thompson. Representatives Amen, McCormick, Paris, Schumaker and Thompson were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chris Blair and Carl Beaucraft. Prayer was offered by Reverend Charles M. Loyer of the Westminster United Presbyterian Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

SENATE AMENDMENTS TO HOUSE BILL

July 19, 1975

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1229 with the following amendments:

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

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."

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

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Charette, the House concurred in the Senate amendments to House Bill No. 1229.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. Kilbury presiding) stated the question before the House to be final passage of House Bill No. 1229 as amended by the Senate.

Representatives Randall and Eikenberry spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1229 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 76; nays, 4; not voting, 18

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Berentson, Blair Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Chatalas, Clemente, Cochrane, Conner, Curtis Decchio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Hausler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Kuehnle, Leckenby, Lee, Luders, Martinis Mathews, May, McKibbin, Moreau, Nelson, Newhouse, North, Patterson, Peterson, Polk, Randall Savage, Seeberger, Sherman, Shipnosh, Smith E. P., Smith R., Sommers, Tilly, Valle, Warnke, Whiteside Wilson, Wjahn, and Mr. Speaker.

Voting nay: Representatives Bender, Bond, Hayner, Williams.

Not voting: Representatives Amen, Eng, Gaines, Haley, Kalich, Laughlin, Lysen, Maxie, McCormick, Moon, O'Brien, Pardini, Paris, Parker, Perry, Schumaker, Thompson, Zimmerman.

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.

The Speaker assumed the Chair.

SIGNED BY THE SPEAKER

The Speaker announced that he was about to sign:
HOUSE BILL NO. 1229.

MESSAGES FROM THE SENATE

July 19, 1975

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE JOINT MEMORIAL NO. 112,
SENATE CONCURRENT RESOLUTION NO. 120,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

July 20, 1975

Mr. Speaker:

The Senate refuses to recede from its amendments to ENGROSSED HOUSE BILL NO. 1233 and adheres to its position thereon, and once again asks that the House concur therewith, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Bagnariol moved that the House adhere to its position and ask the Senate for a conference on Engrossed House Bill No. 1233.

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "Is it your ruling that the motion by Representative Bagnariol is a positive motion and could not be superseded by a motion to concur and pass the bill as amended by the Senate?"

SPEAKER'S RULING

The Speaker: "Reed's Rule 254 says that the motions to concur and to not concur are opposite to each other, so if you place one and it fails the other automatically occurs. The other motion described in this same section to recede and insist or adhere are not in that category because they are other alternatives. If that fails, then I would think in light of that, if this motion is a positive motion and if it fails, then the motion to concur would be in order."

Mr. Charette demanded an oral roll call and the demand was sustained.

Mr. Charnley spoke in favor of the motion, and Mr. Newhouse spoke against it.

POINT OF INQUIRY

Mr. Charette yielded to question by Mr. Pardini.

Mr. Pardini: "Is it the intent of the majority party, if this bill goes to conference, to recess this session of the legislature until September 15th, or September 5th, or some indefinite day in the future?"

Mr. Charette: "Because of other options open, that decision has not yet been made."

Representatives Charette, Blair and Eikenberry spoke in favor of the motion, and Mr. Pardini spoke against it.

MOTION

Mr. Douthwaite moved that the motion be amended to require the Conference Committee report back by 3:00 p.m. today.

SPEAKER'S RULING

The Speaker: "Representative Douthwaite, we have searched the Joint Rules and can find no authorization by which we can give instructions to the conferees. The conferees powers are set out rather explicitly here and I think the effect of attempting to amend this motion would be an amendment to the Joint Rules. The procedure for that is by a concurrent resolution and two-thirds vote, so the Speaker will rule that since there is not an express provision authorizing such a procedure, we have to rule with those procedures as are set forth by the Joint Rules for operations between the houses."

POINT OF PARLIAMENTARY INQUIRY

Mr. Douthwaite: "If this motion carries I would like to move that the House conferees be required to report back to the House by a time certain this afternoon. Would my motion be in order if this motion carries?"

The Speaker: "I would think that this is something that could well be within the province of the House as far as instructing its own members in regard to information sought, but as far as the procedures as to how they reach their decision, that is to be guided by the joint committee. I would assume your motion would be in order."

The Speaker declared the House to be at ease.

The Speaker called the House to order.

The Speaker stated the question before the House to be the motion by Representative Bagnariol that the House adhere to its position with regard to Engrossed House Bill No. 1233, and ask the Senate for a conference thereon.

Mr. Peterson spoke in favor of the motion.

MOTION

Mr. Berentson moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1233.

Mr. Conner demanded an oral roll call and the demand was sustained.

Representatives Haussler, Freeman spoke in favor of the motion, and Representatives Moon, Brown, Lee and Conner spoke against it.

MOTION

Mr. Pardini moved that the Governor's veto message on Substitute House Bill No. 866 be made a special order of business at 1:02 p.m. today.

SPEAKER'S RULING

The Speaker: "Representative Pardini, that matter isn't before the House."

Mr. Pardini: "Mr. Speaker, I believe that the Governor has delivered to the House, the originating body, Substitute House Bill No. 866 and the veto message. It should be on our desks, and while it is not before us I am simply moving that it be placed before the body."

The Speaker: "Then you would have to restate your motion. You did not so state."

MOTION

Mr. Pardini moved that the Clerk be instructed to immediately read the Governor's veto message on Substitute House Bill No. 866.

Mr. Pardini spoke in favor of the motion, and Mr. Bagnariol spoke against it.

MOTION

With the consent of the House, Mr. Pardini withdrew the motion.

Mr. Tilly demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Engrossed House Bill No. 1233, and the motion was lost by the following vote: Yeas, 37; nays, 53; not voting, 8.

Voting yea: Representatives Berentson, Boldt, Charette, Curtis, Deccio, Dunlap, Erickson, Flanagan, Freeman, Gallagher, Gilleland, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley M.,

Jastad, Jueling, Kalich, Kilbury, Knowles, Luders, Matthews, May, Nelson, Newhouse, North, Parker, Patterson, Polk, Seeberger, Shinpoch, Smith R., Tilly, Whiteside, Wilson.

Voting nay: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Bond, Brown, Ceccarelli, Chandler, Charnley, Chatalas, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Eng, Fischer, Fortson, Gaines, Gaspard, Greengo, Haley, Hanna, Hawkins, Hurley G. S., King, Kuehnle, Laughlin, Leckenby, Lee, Lysen, McKibbin, Moon, Moreau, Pardini, Perry, Peterson, Randall, Savage, Sherman, Smith E. P., Sommers, Valle, Warnke, Williams, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Amen, Martinis, Maxie, McCormick, O'Brien, Paris, Schumaker, Thompson.

The Speaker stated the question before the House to be the motion by Representative Bagnariol that the House adhere to its position and ask the Senate for a conference on Engrossed House Bill No. 1233.

ROLL CALL

The Clerk called the roll on the motion that the House adhere to its position with regard to Engrossed House Bill No. 1233 and ask the Senate for a conference thereon, and the motion was carried by the following vote: Yeas, 66; nays, 24; not voting, 8.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Chatalas, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hawkins, Hendricks, Hurley G. S., Kilbury, King, Kuehnle, Laughlin, Leckenby, Lee, Luders, Lysen, McKibbin, Moon, Moreau, North, Parker, Perry, Peterson, Polk, Randall, Savage, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Berentson, Curtis, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Hansey, Haussler, Hayner, Hurley M., Jastad, Jueling, Kalich, Knowles, Matthews, May, Nelson, Newhouse, Pardini, Patterson, Seeberger, Tilly, Whiteside.

Not voting: Representatives Amen, Martinis, Maxie, McCormick, O'Brien, Paris, Schumaker, Thompson.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Bagnariol, Shinpoch and Polk as conferees on Engrossed House Bill No. 1233.

MOTIONS

On motion of Mr. Douthwaite, the House conferees on Engrossed House Bill No. 1233 were instructed to report back to the House by 3:00 p.m. today.

On motion of Mr. Charette, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The House was called to order at 3:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Amen, Luders, Martinis, Matthews, Maxie, McCormick, Paris, Schumaker and Thompson. Representatives Amen, Luders, Paris, Schumaker and Thompson were excused.

REPORT OF CONFEREES

Mr. Bagnariol reported that the Senate had not appointed a Conference Committee on Engrossed House Bill No. 1233, and that so far there were no agreements.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

July 20, 1975

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 2971,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

ENGROSSED 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.

MOTION

On motion of Mr. O'Brien, the rules were suspended, Engrossed Senate Bill No. 2971 was advanced to second reading and read the second time in full.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

The Speaker stated the question before the House to be Engrossed Senate Bill No. 2971 on second reading.

Mr. Bagnariol moved adoption of the following amendments by Representatives Bagnariol, Shinpoch and Hawkins:

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"

Mr. Bagnariol spoke in favor of the amendments, and Mr. Curtis spoke against them.

Mr. Charette demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Bagnariol, Shinpoch and Hawkins to Engrossed Senate Bill No. 2971, and the amendments were adopted by the following vote: Yeas, 60; nays, 19; not voting, 19.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Chatalas, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hawkins, Hendricks, Hurley G. S., Kalich, King, Knowles, Laughlin, Leckenby, Lee, Lysen, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Parker, Perry, Peterson, Randall, Savage, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Valle, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Bender, Berentson, Clemente, Curtis, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Hansen, Hansey, Juelling, May, Newhouse, Patterson, Polk, Tilly, Warnke, Whiteside.

Not voting: Representatives Amen, Bond, Eng, Haussler, Hayner, Hurley M., Jastad, Kilbury, Kuehne, Luders, Martinis, Matthews, Maxie, McCormick, Pardini, Paris, Schumaker, Smith E. P., Thompson.

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 2971 as amended by the House was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 2971 as amended by the House, and the bill passed the House by the following vote: Yeas, 57; nays, 22; not voting, 19.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Chatalas, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hawkins, Hendricks, Hurley G. S., Kalich, King, Knowles, Laughlin, Leckenby, Lee, Lysen, Moreau, Nelson, North, O'Brien, Parker, Perry, Peterson, Polk, Randall, Savage, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Valle, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Bender, Berentson, Charnley, Clemente, Curtis, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Hansen, Hansey, Juelling, May, McKibbin, Moon, Newhouse, Patterson, Tilly, Warnke, Whiteside, Williams.

Not voting: Representatives Amen, Bond, Eng, Haussler, Hayner, Hurley M., Jastad, Kilbury, Kuehne, Luders, Martinis, Matthews, Maxie, McCormick, Pardini, Paris, Schumaker, Smith E. P., Thompson.

Engrossed Senate Bill No. 2971 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 Mr. Charette, Engrossed Senate Bill No. 2971 as amended by the House was ordered transmitted immediately to the Senate.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1234, by Representatives Tilly, Chandler, Whiteside and Seeburger:

AN ACT Relating to elections; creating new sections; adding new sections to Title 29RCW as a new chapter thereof; and prescribing penalties.

To Committee on Constitution and Elections.

HOUSE BILL NO. 1235, by Representatives Charnley, Brown, Erickson, Sherman, Lee, Eng, Maxie, Chandler, McKibbin, Douthwaite, Moreau, Perry, Blair, Hawkins, Bender, Cochran, Valle, King, Fischer, Chatalas and Ceccarelli:

AN ACT Relating to revenue and taxation; imposing a property tax upon gross income; extending sales and use taxes to motor vehicle fuel and certain professional and business services; exempting food from sales and use taxes; prohibiting special property tax levies for maintenance and operations by school districts; repealing state business and occupation 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; amending section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 5, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.050; amending section 82.08.060, chapter 15, Laws of 1961 as amended by section 47, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.060; amending section 82.36.440, chapter 15, Laws of 1961 and RCW 82.36.440; amending section 29, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.280; adding new sections to chapter 15, Laws of 1961 and Title 84 RCW; repealing section 82.04.060, chapter 15, Laws of 1961 and RCW 82.04.060; repealing section 82.04.070, chapter 15, Laws of 1961 and RCW 82.04.070; repealing section 82.04.080, chapter 15, Laws of 1961 and RCW 82.04.080; repealing section 82.04.090, chapter 15, Laws of 1961, section 40, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.090; repealing section 82.04.100, chapter 15, Laws of 1961, section 2, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.100; repealing section 82.04.110, chapter 15, Laws of 1961, section 1, chapter 186, Laws of 1971 ex. sess. and RCW 82.04.110; repealing section 82.04.130, chapter 15, Laws of 1961, section 5, chapter 149, Laws of 1967 ex. sess. and RCW 82.04.130; repealing section 82.04.140, chapter 15, Laws of 1961 and RCW 82.04.140; repealing section 82.04.150, chapter 15, Laws of 1961 and RCW 82.04.150; repealing section 82.04.160, chapter 15, Laws of 1961 and RCW 82.04.160; repealing section 82.04.170, chapter 15, Laws of 1961 and RCW 82.04.170; repealing section 82.04.180, chapter 15, Laws of 1961 and RCW 82.04.180; repealing section 82.04.190, chapter 15, Laws of 1961, section 4, chapter 173, Laws of 1965 ex. sess., section 6, chapter 149, Laws of 1967 ex. sess., section 4, chapter 255, Laws of 1969 ex. sess., section 4, chapter 299, Laws of 1971 ex. sess., section 2, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.190; repealing section 82.04.200, chapter 15, Laws of 1961 and RCW 82.04.200; repealing section 82.04.210, chapter 15, Laws of 1961 and RCW 82.04.210; repealing section 82.04.212, chapter 15, Laws of 1961 and RCW 82.04.212; repealing section 82.04.220, chapter 15, Laws of 1961 and RCW 82.04.220; repealing section 82.04.230, chapter 15, Laws of 1961, section 7, chapter 149, Laws of 1967 ex. sess., section 33, chapter 262, Laws of 1969 ex. sess., section 2, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.230; repealing section 82.04.240, chapter 15, Laws of 1961, section 5, chapter 173, Laws of 1965 ex. sess., section 8, chapter 149, Laws of 1967 ex. sess., section 34, chapter 262, Laws of 1969 ex. sess., section 3, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.240; repealing section 82.04.250, chapter 15, Laws of 1961, section 9, chapter 149, Laws of 1967 ex. sess., section 35, chapter 262, Laws of 1969 ex. sess., section 2, chapter 186, Laws of 1971 ex. sess., section 4, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.250; repealing section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255; repealing section 82.04.260, chapter 15, Laws of 1961, section 6, chapter 173, Laws of 1965 ex. sess., section 10, chapter 149, Laws of 1967 ex. sess., section 36, chapter 262, Laws of 1969 ex. sess., section 3, chapter 186, Laws of 1971 ex. sess., section 5, chapter 281, Laws of 1971 ex. sess., section 7, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.260; repealing section 82.04.270, chapter 15, Laws of 1961, section 11, chapter 149, Laws of 1967 ex. sess., section 37, chapter 262, Laws of 1969 ex. sess., section 4, chapter 186, Laws of 1971 ex. sess., section 6, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.270; repealing section 82.04.275, chapter 15, Laws of 1961, section 12, chapter 149, Laws of 1967 ex. sess. and RCW 82.04.275; repealing section 2, chapter 8, Laws of 1970 ex. sess., section 7, chapter 281, Laws of 1971 ex. sess., section 5, chapter 299, Laws of 1971 ex. sess., section 3, chapter 90, Laws of 1975 1st ex. sess. and RCW 82.04.280; and repealing section 82.04.290, chapter 15, Laws of 1961, section 2, chapter 28, Laws of 1963 ex. sess., section 14, chapter 149, Laws of 1967 ex. sess., section 39, chapter 262, Laws of 1969 ex. sess., section 4, chapter 65, Laws of 1970 ex.

sess., section 8, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.290.

To Committee on Ways and Means - Revenue

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

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

MOTION

On motion of Mr. Charette, the rules were suspended, and Engrossed Senate Joint Memorial No. 112 was advanced to second reading and read the second time in full.

On motion of Mr. Bagnariol, the following amendment was adopted:

On page 2, lines 23 and 35 strike "Engrossed House Bill No. 1233" and insert "Engrossed Senate Bill No. 2971"

On motion of Mr. Charette, the rules were suspended, the second reading considered the third, and Engrossed Senate Joint Memorial No. 112 as amended by the House was placed on final passage.

Representatives Charette and Eikenberry spoke in favor of the memorial.

POINT OF INQUIRY

Mr. Charette yielded to question by Mr. Newhouse.

Mr. Newhouse: "In hearing your explanation I am prompted to question, in a case where for the 1976 school year a special double levy defeat has obviously decreased local contributions to schools, whether this might be a futile exercise to a local effort when 1976 will be far below that of 1974 and 1975 and other years?"

Mr. Charette: "I believe that the double failure is only a part of the reduction in effort or the failure to maintain the effort at the local level that the federal government is talking about. They are also talking about the shift of the House Bill No. 186 funds. I didn't mention, and Representative Eikenberry didn't mention, that there are also some other federal regulations that are tied up in this and there seems to be a difference of opinion at the federal level as to what should be done in Seattle, even though obviously this is one place where the Seattle school board has done an excellent job, particularly in the Central Area. I don't think it is specifically aimed at the double levy failure entirely."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Memorial No. 112 as amended by the House, and the memorial passed the House by the following vote: Yeas, 77; nays, 0; not voting, 21.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Chatalas, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hawkins, Hendricks, Hurley G. S., Kalich, King, Knowles, Laughlin, Leckenby, Lee, Lysen, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Parker, Perry, Peterson, Polk, Randall, Savage, Seeberger, Sherman, Shipoch, Smith R., Sommers, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Amen, Bond, Eng, Haussler, Hayner, Hurley M., Jastad, Jueling, Kilbury, Kuehne, Luders, Martinis, Matthews, Maxie, McCormick, Pardini, Paris, Patterson, Schumaker, Smith E. P., Thompson.

Engrossed Senate Joint Memorial No. 112 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Charette, Engrossed Senate Joint Memorial No. 112 as amended by the House, was ordered transmitted immediately to the Senate.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 120, by Senator Mardesich:

Providing for recess of 2nd extraordinary session and authorizing subpoena powers to Senate and House Rules Committees.

MOTION

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

Mr. Eikenberry moved adoption of the following amendment by Representatives Eikenberry and Polk:

After "BE IT RESOLVED" strike everything down to and including "legislature." on line 12 and insert: "By the Senate, the House of Representatives concurring, that the Second Extraordinary Session of the Forty-fourth Legislature shall adjourn sine die not later than 9:00 p.m. on July 20, 1975, or as soon thereafter as possible, in accordance with the last paragraph of this resolution; and

BE IT FURTHER RESOLVED, That action on the bill under consideration at 9:00 p.m., Sunday, July 20, 1975 shall be completed and the only additional matters to be considered by either house shall be matters incident and pertaining to the interim and to the adjournment of this Legislature."

Representatives Eikenberry and Polk spoke in favor of the amendment, and Mr. Charette spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Eikenberry and Polk to Senate Concurrent Resolution No. 120, and the amendment was not adopted by the following vote: Yeas, 23; nays, 54; not voting, 21.

Voting yea: Representatives Barnes, Berentson, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hendricks, Leckenby, Lee, Nelson, Newhouse, Peterson, Polk, Tilly, Whiteside, Wilson.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Chatalas, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Hawkins, Hurley G. S., Kalich, King, Knowles, Laughlin, Lysen, May, McKibbin, Moon, Moreau, North, O'Brien, Parker, Patterson, Perry, Randall, Savage, Seeberger, Sherman, Shipoch, Smith R., Sommers, Valle, Warnke, Williams, Wojahn, and Mr. Speaker.

Not voting: Representatives Amen, Bond, Eng, Haussler, Hayner, Hurley M., Jastad, Juelling, Kilbury, Kuehne, Luders, Martinis, Matthews, Maxie, McCormick, Pardini, Paris, Schumaker, Smith E. P., Thompson, Zimmerman.

STATEMENT FOR THE JOURNAL

My vote was not recorded on the amendment to Senate Concurrent Resolution No. 120. I wished to vote "No" on the amendment.

HAL ZIMMERMAN, 17th District.

Mr. Conner moved that the rules be suspended, the second reading considered the third, and Senate Concurrent Resolution No. 120 be placed on final passage.

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "I have a concern about bills that have passed this House, but not passed the legislature at this point. If we pass this resolution going into a continuing session and this concurrent resolution is signed by the Speaker, does it not then immediately go into effect and if the Senate fails to pass House Bill No. 1233, then are we not in a position of having done nothing for schools until September 5th?"

The Speaker: "In order for us to be responsible and handle the many problems the schools will be facing throughout the next year and especially a permanent solution to school financing, it will probably be necessary for us to come back in September, as you mentioned, but the procedure we are talking about here is, once this has passed, it has to go to the Senate for the President of the Senate's signature and then it has to come back here for the Speaker's signature before it is finally effective."

The motion was carried.

Mr. Curtis spoke against passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 120, and the resolution was adopted by the House by the following vote: Yeas, 51; nays, 26; not voting, 21.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Chatalas, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Hawkins, Hurley G. S., Kalich, King, Knowles, Laughlin, Lysen, May, McKibbin, Moon, Moreau, North, O'Brien, Parker, Patterson, Perry, Randall, Savage, Seeberger, Sherman, Shipoch, Smith R., Sommers, Valle, Warnke, Wojahn, and Mr. Speaker.

Voting nay: Representatives Barnes, Berentson, Blair, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hendricks, Leckenby, Lee, Nelson, Newhouse, Peterson, Polk, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Amen, Bond, Eng, Haussler, Hayner, Hurley M., Jastad, Jueling, Kilbury, Kuehne, Luders, Martinis, Matthews, Maxie, McCormick, Pardini, Paris, Schumaker, Smith E. P., Thompson, Williams.

Senate Concurrent Resolution No. 120, having received the constitutional majority, was declared adopted.

MOTION

On motion of Mr. Charette, Senate Concurrent Resolution No. 120 was ordered transmitted immediately to the Senate.

MESSAGE FROM THE SENATE

July 20, 1975

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1229,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

July 20, 1975

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 2971, and adheres to its position thereon, and asks the House to recede from its amendments thereto, and said bill, together with the House amendments, is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Bagnariol moved that the House insist on its position and again ask the Senate to concur therewith.

MOTION

Mr. Eikenberry moved that the rules be suspended and Engrossed Senate Bill No. 2971 be returned to second reading for the purpose of amendment.

The Speaker declared the motion out of order.

The motion by Mr. Bagnariol was carried.

MOTION

On motion of Mr. Charette, the House adjourned until 9:00 a.m., Monday, July 21, 1975.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, July 21, 1975.

The House was called to order at 9:00 a.m. by the Speaker (Mr. Bagnariol presiding). The Clerk called the roll and all members were present except Representatives Amen, Bond, Charnley, Deccio, Ehlers, Gilleland, Haussler, Hayner, Jastad, Kilbury, King, Luders, Lysen, Martinis, Matthews, Maxie, McCormick, Nelson, North, O'Brien, Pardini, Paris, Perry, Randall, Schumaker, Sherman, Smith (Edward), Smith (Rick) and Thompson. Representatives Amen, Ehlers, Haussler, McCormick, Nelson and Thompson were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Paige Gaspard and Carl Beaucraft. Prayer was offered by the Reverend George M. Mitchell of the First Christian Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Mr. Bagnariol presiding) declared the House to be at ease.
The Speaker called the House to order.

RESOLUTION

HOUSE RESOLUTION NO. 75-62, by Representative Charette:

BE IT RESOLVED, By the House of Representatives, That per diem allowances for members of the House of Representatives be suspended as of 12:00 o'clock midnight, July 21, 1975 until Friday, September 5, 1975, unless authorized by the Speaker of the House.

Mr. Charette moved adoption of the resolution and spoke in favor of it.

MOTION

Mr. Curtis moved that the Clerk be instructed to read the Governor's veto message on Substitute House Bill No. 866.

The Speaker: "Representative Curtis, your motion is out of order because the matter before us is the motion to adopt the floor resolution and it is of equal rank."

POINT OF PARLIAMENTARY INQUIRY

Mr. Curtis: "If the motion before us is disposed of, would I then be in order to make my motion?"

The Speaker: "Yes."

POINT OF INQUIRY

Mr. Charette yielded to question by Mr. Eikenberry.

Mr. Eikenberry: "I'm sorry I was off the floor for a minute and didn't catch all of your remarks. Is it implicit in this floor resolution that we are adjourning today?"

Mr. Charette: "No."

Mr. Eikenberry: "What will be our status after today then as far as the legislature being in session?"

Mr. Charette: "This resolution that is now before us would cut off the per diem. Under the rules of the House if we don't pass this, each member would be entitled to claim forty dollars per day up until the time we adjourn sine die. The concurrent resolution to recess until September 5th, which has been signed by the President of the Senate and is now on the Speaker's desk, would call a recess until September 5th unless the legislature was called back by a majority of the members of the House and Senate Rules Committee. It is our intention to have a regular weekend committee meeting on the weekend of August 8th and 9th. If there

is an agreement worked out by that time then the Rules Committee would call us into session and we could resolve the problem at that time; if not, we would be here on September 5th."

Mr. Eikenberry: "Then if I understand your reply, the motion by which our day's business for today will be concluded will be a motion to adjourn until August 8th or 9th?"

Mr. Charette: "No. You keep referring to it as adjourning. It is recessed—we're both lawyers and I guess we have to be a little technical with each other."

POINT OF ORDER

Mr. Polk: "Under Senate Concurrent Resolution No. 120, which was passed by this body last night, it stated that we would be recessed until 9 a.m., September 5th. The other body has read that language to say that we are recessed regardless of signatures by presiding officers. I would like your ruling as to whether this body is in session or is this body recessed, as I am inclined to think we are, and therefore the proceedings of this day should have no effect?"

The Speaker: "The Chair is ruling that memorials and concurrent resolutions and especially memorials since they require a signature, are in the same status as laws. Section 32 of the Constitution says that the House shall set the procedure, and the Joint Rules of the House say that such bills shall have the signatures of the President of the Senate and the Speaker of the House; so therefore, it is our interpretation that to make the resolution finally in effect it would need the signature of both parties. I think traditionally we have done it this way for many, many years; otherwise all the action that the Senate did yesterday would be declared invalid and any action they did after we passed that the other day, according to their interpretation, would be completely invalid. This is the way we have acted for years, because we have passed these things and we have done miscellaneous matter afterward, so really it has been treated as authority to recess rather than the final determination of a recess."

Mr. Polk: "Under your ruling then it would be possible for a wilful presiding officer to thwart the will of the body by refusing to sign a concurrent resolution after it has been duly passed by the body. I understand from some of the others of your profession that this is really not what this rule is all about, requiring a signature, but is an attesting to the fact that the body has duly acted in this fashion. I would like to inquire as to your interpretation of that, Mr. Speaker, since under House Rule 2 it lists the duties and powers of the Speaker, and it is listed as a duty of the Speaker to sign a concurrent resolution and bills and is not a matter of being an act that has to be performed in order for it to become an established fact of having been passed."

The Speaker: "I'm afraid you are asking me to go into a legal interpretation. I think that the interpretation of the Chair at the present time is that until the final signature is on this, the subject matter involved in the resolution, memorial or bill is not effective, as far as the actions of the House. I do not know what the actions on the outside would be, but this is our interpretation. Secondly, I think it is a moot question until you find out whether or not I'm going to sign it. At that time the proper legal action could be taken against me and I hate to predict what that might be."

Mr. Polk: "I'm not intending to file any legal action against you. The question is simply one of is it an established fact? Once the body has passed, and the two bodies have passed a concurrent resolution is it an established fact, regardless of the attesting signature of the presiding officers? That's the point of my question and not the question of whether you intend to ever sign it."

The Speaker: "I think if there is some ambiguity within the rules of our House that bothers you, Representative Polk, the best way to accomplish this is to spell it out in detail when the presiding officer has to sign it. That would be the controlling factor in the future. At the present time, I think there is an ambiguity and I will continue to do this in the normal manner that we have done it throughout the years, which is the way we are proceeding."

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "Joint Rule No. 18, in effect, says that concurrent resolutions, among other things, shall be treated as bills up to and including the signing by the presiding officer of each body. In view of the fact that this body passed that measure yesterday, sent it to the Senate, the Senate presiding officer did not sign that measure until after we had adjourned for the evening and set a time for convening this morning, that you had no opportunity to sign that bill in open session last night; your first opportunity is this morning, and I think you

should have a reasonable time, but the question is, in your opinion, is the Senate legally adjourned until September 5th? I would say that they are not."

The Speaker: "I think there are many things that tie into this. You are asking me to be a judge, and so far the people of the state or the Governor has not honored me so, and so I think the best thing we could do is proceed in an orderly fashion in our own minds, and if they have done something that the courts or somebody wants to challenge, that's the responsibility that they should accept. I think that they might have to."

House Floor Resolution No. 75-62 was adopted.

MOTION

Mr. Curtis moved that the Clerk be instructed to read the Governor's veto message on Substitute House Bill No. 866.

Mr. Curtis spoke in favor of the motion, and Mr. Moon spoke against it.

SPEAKER'S ADMONITION

The Speaker: "Representative Moon, I think you are going a little afar and I think we have had political speeches on both sides. We should talk to the motion before us and that is the consideration of the Governor's veto on the \$65 million at this time."

Mr. Moon continued his remarks against the motion, and Representatives Leckenby and Blair also spoke against it.

POINT OF PARLIAMENTARY INQUIRY

Mr. Berentson: "Would you entertain a motion to send a message to the Senate at this time, in view of the confusion that centers around Senate Concurrent Resolution No. 120, as to whether or not the Senate is legally adjourned. The reason I ask this of you is that I fail to see the urgency of a veto override at this time unless the Senate is also here to act upon it. I would question whether or not they are legally adjourned if you have not affixed your signature to Senate Concurrent Resolution No. 120."

The Speaker: "I'm afraid your motion would be out of order, because it is of the same order that we are presently considering. However, your point is well taken."

Mr. Bauer spoke against the motion by Representative Curtis.

The motion was lost.

MESSAGE FROM THE SENATE

July 20, 1975

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 120,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced that he was about to sign:

SENATE CONCURRENT RESOLUTION NO. 120.

MOTION

On motion of Mr. Charette, the House recessed in accordance with the provisions of Senate Concurrent Resolution No. 120.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Saturday, August 9, 1975.

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Hayner, Hurley (Margaret), O'Brien, Schumaker and Zimmerman. Representatives Hayner, Schumaker and Zimmerman were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Paige Gaspard and Dan Evans. Prayer was offered by the Reverend James H. Blundell of St. John's Episcopal Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1236, by Representatives Wilson and Lee:

AN ACT Relating to campaign financing; adding new sections to chapter 1, Laws of 1973 and to chapter 42.17 RCW; and providing for a referendum to the electorate.

To Committee on Constitution and Elections

HOUSE BILL NO. 1237, by Representatives Whiteside, Seeberger, Fortson and Wojahn:

AN ACT Relating to boarding homes; amending section 2, chapter 253, Laws of 1957 and RCW 18.20-.020; and creating a new section.

To Committee on Social and Health Services

HOUSE CONCURRENT RESOLUTION NO. 38, by Representative Hanna:

Directing the department of social and health services to issue clear and uniform criteria and requirements for human service programs.

To Committee on Social and Health Services

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

On motion of Mr. Conner, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Hayner, Hurley (Margaret), Paris, Schumaker and Zimmerman. Representatives Hayner, Paris, Schumaker and Zimmerman were excused.

MESSAGE FROM THE SENATE

August 9, 1975

Mr. Speaker:

The Senate once again refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 2971, and insists on its position thereon, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Bagnariol moved that the House recede from its position on Engrossed Senate Bill No. 2971.

Mr. Bagnariol spoke in favor of the motion.

MOTION

Mr. Pardini moved that the Clerk be instructed to read the Governor's Veto Message on Substitute House Bill No. 866.

Mr. Pardini spoke in favor of the motion.

The Speaker: "Your motion is out of order since it is of the same rank as the question before us."

Mr. Blair spoke against the motion to recede from the amendments to Engrossed Senate Bill No. 2971, and Mr. Luders spoke in favor of it.

Mr. Newhouse demanded the previous question and the demand was sustained.

Mr. Hansey demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to recede from the House amendments to Engrossed Senate Bill No. 2971, and the motion was carried by the following vote: Yeas, 62; nays, 28; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Berentson, Boldt, Bond, Charette, Clemente, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Flanagan, Fortson, Freeman, Gallagher, Gilleland, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Jastad, Juelling, Kilbury, Knowles, Laughlin, Lee, Luders, Lysen, Matthews, May, McCormick, Nelson, Newhouse, North, Parker, Polk, Savage, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Bender, Blair, Brown, Ceccarelli, Chandler, Charnley, Cochrane, Eng, Fischer, Gaines, Gaspard, Greengo, Hurley G. S., King, Kuehnle, Leckenby, Martinis, McKibbin, Moon, Moreau, O'Brien, Pardini, Patterson, Perry, Peterson, Randall, Smith E. P., Warnke.

Not voting: Representatives Chatalas, Hayner, Hurley M., Kalich, Maxie, Paris, Schumaker, Zimmerman.

The Speaker declared the question before the House to be final passage of Engrossed Senate Bill No. 2971 without the House amendments.

Mr. Hurley (George) spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 2971 without the House amendments, and the bill passed the House by the following vote: Yeas, 62; nays, 30; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Berentson, Boldt, Charette, Clemente, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Erickson, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Jastad, Juelling, Kalich, Kilbury, Knowles, Laughlin, Lee, Luders, Lysen, Matthews, May, McCormick, Moreau, Nelson, Newhouse, North, Parker, Polk, Randall, Savage, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Tilly, Valle, Williams, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Bender, Blair, Bond, Brown, Ceccarelli, Chandler, Charnley, Cochrane, Dunlap, Eng, Fischer, Gaines, Greengo, Hurley G. S., King, Kuehnle, Leckenby, Martinis, Maxie, McKibbin, Moon, O'Brien, Pardini, Patterson, Perry, Peterson, Smith E. P., Warnke, Whiteside.

Not voting: Representatives Chatalas, Hayner, Hurley M., Paris, Schumaker, Zimmerman.

Engrossed Senate Bill No. 2971 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.
The Speaker called the House to order.

MESSAGE FROM THE SENATE

August 9, 1975

Mr. Speaker:

The Senate has passed:
SENATE CONCURRENT RESOLUTION NO. 122,
and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

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

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

MOTION

On motion of Mr. Charette, the rules were suspended, and Senate Concurrent Resolution No. 122 was placed on second reading and read the second time in full.

Mr. Pardini moved that Senate Concurrent Resolution No. 122 be referred to Committee on Constitution and Elections.

Representatives Pardini and Charette spoke in favor of the motion, and it was carried.

MESSAGES FROM THE SENATE

August 9, 1975

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SENATE JOINT MEMORIAL NO. 112, and has passed the memorial as amended by the House.

Sidney R. Snyder, Secretary.

August 9, 1975

Mr. Speaker:

The President has signed:
SENATE BILL NO. 2971,
SENATE JOINT MEMORIAL NO. 112,
and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced that he was about to sign:

SENATE BILL NO. 2971,
SENATE JOINT MEMORIAL NO. 112.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 39, by Representative Charette:

Recess to September 5, 1975.

MOTION

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

Mr. Kuehnle moved adoption of the following amendment:
On line 3 strike "Friday, September 5, 1975" and insert "Monday, January 12, 1976"

Mr. Kuehnle spoke in favor of the amendment, and Mr. King spoke against it.

The amendment was not adopted.

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and House Concurrent Resolution No. 39 was placed on final passage.

Mr. Charette spoke in favor of the resolution.

Mr. Pardini demanded an electric roll call and the demand was sustained.

POINT OF INQUIRY

Mr Charette yielded to question by Mr. Haley.

Mr. Haley: "I would like to ask you about the matter of subpoena in this resolution; is this a standard type of thing?"

Mr. Charette: "Yes, this is the standard form we have used. It was in the previous resolution that we passed when we recessed before."

ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 39, and the resolution passed the House by the following vote: Yeas, 53; nays, 18; not voting, 27.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Ceccarelli, Charette, Charnley, Clemente, Conner, Ehlers, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Luders, Maxie, McCormick, McKibbin, Moon, Moreau, O'Brien, Parker, Peterson, Randall, Savage, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Berentson, Bond, Brown, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Hansey, Kalich, Kuehnle, Leckenby, Lee, Pardini, Patterson, Polk, Tilly.

Not voting: Representatives Amen, Boldt, Chandler, Chatalas, Cochrane, Deccio, Douthwaite, Eng, Erickson, Haussler, Hayner, Hendricks, Hurley M., Jastad, Juelling, Lysen, Martinis, Matthews, May, Nelson, Newhouse, North, Paris, Perry, Schumaker, Williams, Zimmerman:

House Concurrent Resolution No. 39, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Charette, House Concurrent Resolution No. 39 was ordered transmitted immediately to the Senate.

MESSAGE FROM THE SENATE

August 9, 1975

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 2978,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

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

Making changes in the laws relating to elections.

MOTION

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

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Mr. Charnley moved adoption of the following amendment to Senate Bill No. 2978: On page 1, line 24 strike "((10))" and insert "10"

Mr. Charnley spoke in favor of the amendment, and Mr. King spoke against it.

POINT OF INQUIRY

Mr. King yielded to question by Mr. Charnley.

Mr. Charnley: "I want to be clear that what I am doing essentially is restoring the statutes to the language that existed prior to this bill. I think what you are saying to us is that the language in the bill really was unconstitutional the way it was written. If I am incorrect I wish you would correct me and make that clear. I think your point, is it not, is that by leaving the language unamended—by defeating my amendment—we are not correcting the improper language within the statutory language?"

Mr. King: "The change in the language as provided for of offices created by or referred to, I think is the key here. When you were talking about 'as provided for,' it might have made some sense to have subsection (10) in the act. I think that's the reason and the second part is that you may be correct, that would be challengeable. If you leave it the way it is it might be challengeable, but I don't think anyone will bother challenging it now because it is pretty clear in the Constitution that the election for Governor wouldn't be held unless the vacancy in the office occurred two years prior to the general election. For the remainder of these offices the election is supposed to be held at the next general election that occurs after the vacancy. Our problem is clarifying whether or not the Secretary of State is a state office."

Mr. Blair spoke in favor of the amendment.

The amendment was not adopted.

On motion of Ms. Lee, the following amendment by Representatives Lee and Tilly was adopted:

On page 1, line 24 after "((#0))" insert "16"

On motion of Mr. Parker, the following amendment was adopted:

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

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and Senate Bill No. 2978 as amended by the House was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 2978 as amended by the House, and the bill passed the House by the following vote: Yeas, 60; nays, 2; not voting, 36.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Bond, Ceccarelli, Charette, Charnley, Clemente, Dunlap, Ehlers, Eikenberry, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hawkins, Hurley G. S., Kalich, Kilbury, King, Knowles, Leckenby, Lee, Luders, Maxie, McCormick, McKibbin, Moon, Moreau, O'Brien, Parker, Patterson, Randall, Savage, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Conner, Peterson.

Not voting: Representatives Amen, Berentson, Boldt, Brown, Chandler, Chatalas, Cochrane, Curtis, Deccio, Douthwaite, Eng, Erickson, Gilleland, Hansey, Haussler, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kuehnle, Laughlin, Lysen, Martinis, Matthews, May, Nelson, Newhouse, North, Pardini, Paris, Perry, Polk, Schumaker, Williams, Zimmerman.

Senate Bill No. 2978 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.

EXPLANATION OF VOTE

I abstained from voting on Senate Bill No. 2978 because of the possible conflict of interest which may have occurred, according to Rule 66, and Article II, Section 30, of our State Constitution.

EUGENE L. LAUGHLIN, 17th District.

MESSAGES FROM THE SENATE

August 9, 1975

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 2978, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

August 9, 1975

Mr. Speaker:

The President has signed:

SENATE BILL NO. 2978,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

August 9, 1975

Mr. Speaker:

The Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 39,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced that he was about to sign:

SENATE BILL NO. 2978,
HOUSE CONCURRENT RESOLUTION NO. 39.

MESSAGE FROM THE SENATE

August 9, 1975

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 39,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "Inasmuch as the concurrent resolution calls for a September 5th reconvening, for the benefit of the members of the House, what is the status on introduction of legislation? Is it open?"

The Speaker: "We have taken the position that we are recessed and bills are eligible to be introduced during the interval between now and September."

MOTION

On motion of Mr. Charette, the House recessed in accordance with House Concurrent Resolution No. 39, until 9:00 a.m., September 5, 1975.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, September 5, 1975.

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Clemente, Flanagan, Nelson, Newhouse and Peterson, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Connie Gearhart and Mike Downey. Prayer was offered by Reverend David Kratz of the United Churches of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SECRETARY OF STATE

I, BRUCE K. CHAPMAN, Secretary of State of the State of Washington and custodian of its seal, hereby certify that according to the records on file in my office, by action of the Board of County Commissioners of King County, Gene Lux has been appointed to fill the vacancy in the position of State Representative, 35th District, for the remainder of the unexpired term.

In witness whereof I have signed and have affixed the seal of the State of Washington to this certificate at Olympia, the State Capitol, September 5, 1975.

DONALD F. WHITING,
Deputy Secretary of State for
Bruce K. Chapman
Secretary of State.

(Seal)

The Speaker requested that Representative O'Brien escort Mr. Lux to the rostrum.

The Speaker administered the oath of office to Gene Lux.

Representative O'Brien escorted Representative Lux to his seat within the House Chamber.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1238, by Representatives Perry, Charnley and Gallagher:

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); prescribing an effective date; and declaring an emergency.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1239, by Representatives Whiteside, Haussler, Lee, Tilly, Hendricks, Seeberger, Haley, Chandler, Pardini, Deccio and Thompson:

AN ACT Relating to elections; creating new sections; adding new sections to Title 29 RCW as a new chapter thereof; and prescribing penalties.

To Committee on Constitution and Elections

HOUSE BILL NO. 1240, by Representative Shinpoch:

AN ACT Relating to appropriations; amending section 5, chapter 276, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1241, by Representatives Perry, Charnley and Gallagher:

AN ACT Relating to transportation excise tax; 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 46.68.090, chapter 12, Laws of 1961 as last amended by section 74, chapter 32, Laws of 1967 and RCW 46.68.100; 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 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; adding a new section to chapter 46.68 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; directing the recodification of certain existing RCW chapters as part of such new chapter; repealing section 1, chapter 28, Laws of 1974 ex. sess. and RCW 82.36.020; 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 1, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.010; 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 2, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.010; 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 82.44.020, chapter 15, Laws of 1961, section 2, chapter 199, Laws of 1963 and RCW 82.44.020; 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 1, chapter 87, Laws of 1972 ex. sess., section 5, chapter 136, Laws of 1973 1st ex. sess., section 6, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150; declaring an emergency; and providing an effective date.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1242, by Representative Fortson:

AN ACT Relating to appropriations; amending section 1, chapter 2, Laws of 1975 2nd ex. sess. (uncodified); and declaring an emergency.

To Committee on Ways and Means - Appropriations

HOUSE JOINT RESOLUTION NO. 62, by Representatives Leckenby, Bauer and Blair:

Amending the Constitution to authorize a state income tax.

To Committee on Ways and Means - Revenue

The Speaker declared the House to be at ease.

The Speaker called the House to order.

REPORTS OF STANDING COMMITTEES

September 5, 1975

HOUSE BILL NO. 1230, Prime Sponsor: Representative King, creating the public employment relations commission. Reported by Committee on Labor.

MAJORITY recommendation: Do pass with the following amendments:

On page 3, beginning on line 10 strike all of section 3 and add new sections as follows:

"NEW SECTION. Sec. 3. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

All employees of the department of labor and industries classified under the provisions of chapter 41.06 RCW, the state civil service law, whose positions are entirely concerned with functions transferred to the commission by chapter 296, Laws of 1975 1st ex. sess. shall be transferred to the jurisdiction of the commission. All such employees shall be assigned to the commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law.

NEW SECTION. Sec. 4. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

All reports, documents, surveys, books, records, files, papers, or other writings in the possession of the marine employee commission, the office of the superintendent of public instruction, the state board for community college education, and the department of labor and industries and pertaining to the functions transferred to the commission by chapter 296, Laws of 1975 1st ex. sess. shall by January 1, 1976, be delivered to the custody of the commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the functions transferred by chapter 296, Laws of 1975 1st ex. sess. shall by January 1, 1976, be transferred to the commission.

Any appropriation or portion thereof remaining as of January 1, 1976, and which is made to an agency for the purpose of carrying out functions transferred from such agency pursuant to chapter 296, Laws of 1975 1st ex. sess., shall, by January 1, 1976, be transferred and credited to the commission for the purpose of carrying out such functions. This paragraph shall not affect the transfer of moneys prior to January 1, 1976, pursuant to section 67, chapter 169, Laws of 1975 1st ex. sess.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the performance of the functions transferred under chapter 296, Laws of 1975 1st ex. sess., the director of program planning and fiscal management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 5. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

Where transfers of budgeted funds or equipment are required under this act, the director of program planning and fiscal management shall certify such transfers to the agencies affected, the state auditor and the state treasurer all of whom shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 6. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

On January 1, 1976, all rules and regulations, and all business pending before the agencies or divisions thereof from whom functions are transferred pursuant to chapter 296, Laws of 1975 1st ex. sess. and which pertain to such functions shall be continued and acted upon by the commission. All existing contracts and obligations pertaining to such functions shall remain in full force and effect, but shall be performed by the commission in lieu of the agency from whom the functions are transferred. The transfer of any functions shall not affect the validity of any act performed by such agency or division thereof or any officer or employee thereof prior to the effective date of the transferral of such functions.

Notwithstanding any other provisions of this act, contracts or agreements are authorized between the commission and other agencies with respect to functions transferred from other agencies pursuant to chapter 296, Laws of 1975 1st ex. sess. Such contract or agreement may provide for an employee or employees of such other agencies or other person or persons to continue to provide services relating to pending business which is transferred to the commission as of January 1, 1976, until such pending business is completed.

NEW SECTION. Sec. 7. The following acts or parts of acts are each hereby repealed:

(1) Section 28A.72.020, chapter 223, Laws of 1969 ex. sess., section 8, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.020;

(2) Section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess., section 9, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.060;

(3) Section 28A.72.080, chapter 223, Laws of 1969 ex. sess., section 10, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.080; and

(4) Section 1, chapter 115, Laws of 1973 1st ex. sess., section 11, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.100.

NEW SECTION. Sec. 8. There is added to chapter 296, Laws of 1975 1st ex. sess. and to Title 41 RCW a new section to read as follows:

Sections 4, 6, and 8 through 39 of chapter 296, Laws of 1975 1st ex. sess. shall not be effective until January 1, 1976.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on September 8, 1975, except for the provisions of sections 6 and 7 which shall be effective on January 1, 1976."

On page 1, line 3, after "RCW;" strike the remainder of the title and insert "repealing section 28A.72.020, chapter 223, Laws of 1969 ex. sess., section 8, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.020; repealing section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess., section 9, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.060; repealing section 28A.72.080, chapter 223, Laws of 1969 ex. sess., section 10, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.080; and repealing section 1, chapter 115, Laws of 1973 1st ex. sess., section 11, chapter 296, Laws of 1975 1st ex. sess. and RCW 28A.72.100; prescribing effective dates; and declaring an emergency."

Signed by Representatives Savage, Chairman; Cochrane, Freeman, Gilleland, King, Matthews, Parker.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Conner, the House adjourned until 10:00 a.m., Saturday, September 6, 1975.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Saturday, September 6, 1975.

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Newhouse, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Debbi Sturdevant and Juli Sullivan. Prayer was offered by Reverend David Kratz of the United Churches of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

REPORT OF STANDING COMMITTEE

September 5, 1975

HOUSE BILL NO. 1242, Prime Sponsor: Representative Fortson, implementing 1975 special school relief measure. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Amen, Bagnariol, Blair, Bausch, Boldt, Charette, Flanagan, Freeman, Gaspard, Matthews, McKibbin, Polk, Smith (Edward), Smith (Rick), Thompson, Valle, Warnke.

MOTION

On motion of Mr. Charette, the rules were suspended, and House Bill No. 1242 was advanced to second reading and ordered placed on the second reading calendar for today.

On motion of Mr. Charette, the House advanced to the sixth order of business.

SECOND READING

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

Creating the public employment relations commission.

The bill was read the second time.

Committee on Labor recommendation: Majority, do pass as amended. (For amendments, see Journal, Sixth Day 2nd ex. sess., September 5, 1975.)

Mr. Savage moved adoption of the committee amendments.

Representatives Savage and King spoke in favor of the amendments, and they were adopted.

House Bill No. 1230 was ordered engrossed.

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1230 was placed on final passage.

Mr. Matthews spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1230, and the bill passed the House by the following vote: Yeas, 93; nays, 2; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler,

Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Pardini, Paris, Parker, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Flanagan, Zimmerman.

Not voting: Representatives Newhouse, Patterson, Sherman.

Engrossed House Bill No. 1230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Charette, the House reverted to the fifth order of business.

REPORT OF STANDING COMMITTEE

September 6, 1975

SENATE CONCURRENT RESOLUTION NO. 122, Prime Sponsor: Senator Bailey, directing the Speaker of the House and President of the Senate to contest, in court, various vetoes of the 1975 legislative sessions. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: Do pass 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"

Signed by Representatives King, Chairman; Fortson, Vice Chairwoman; Barnes, Brown, Chandler, Erickson, Knowles, Sherman.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Charette, 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 Mr. King, the committee amendments were adopted.

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and Senate Concurrent Resolution No. 122 as amended by the House was placed on final passage.

Representatives Pardini and King spoke in favor of the resolution.

POINT OF INQUIRY

Mr. King yielded to question by Mr. Williams.

Mr. Williams: "The language is directing the Senate and the House to appoint counsel for the purpose of contesting. It suggests to me that a suit is not mandated, but that there is at some point, after counsel has been employed, the question of judgment as to whether a suit will in fact be brought. Representative Pardini suggested that this would be brought before the Executive Rules Committee or the Rules Committee which is in fact not in the concurrent resolution; however, I suspect it is a matter of procedure in this House that this kind of judgment would be requested from the Rules Committee."

Mr. King: "My understanding is that the procedure has been determined to the satisfaction of both political parties and both the Senate and the House. It would involve eventually having the Rules Committee or the Executive Rules Committee look at it and decide what they are going to do and approve it."

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 122 as amended by the House, and the resolution was adopted by the House by the following vote: Yeas, 93; nays, 3; not voting, 2.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey,

Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Luders, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Lysen, Williams, Zimmerman.

Not voting: Representatives Newhouse, Sherman.

Senate Concurrent Resolution No. 122 as amended by the House, having received the constitutional majority, was declared adopted.

REPORT OF STANDING COMMITTEE

September 5, 1975

HOUSE BILL NO. 1240, Prime Sponsor: Representative Shinpoch, making a change in the capital appropriation for the department of social and health services. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Amen, Bagnariol, Blair, Bausch, Boldt, Charette, Flanagan, Freeman, Gaspard, Matthews, McKibbin, Polk, Smith (Edward), Smith (Rick), Thompson, Valle, Warnke.

MOTION

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

Mr. Matthews moved adoption of the following amendment by Representatives Matthews, Brown and Greengo:

On page 2, section 1, line 14 strike all of subsection (j) and renumber the remaining subsections consecutively.

Representatives Matthews, Brown, Greengo, Polk and Bender spoke in favor of the amendment, and Representatives Leckenby, Shinpoch, Hanna and Parker spoke against it.

Mr. Conner demanded the previous question and the demand was sustained.

Mr. Pardini demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the amendment by Representatives Matthews, Brown and Greengo to House Bill No. 1240, and the amendment was not adopted by the following vote: Yeas, 43; nays, 52; not voting, 3.

Voting yea: Representatives Barnes, Bender, Berentson, Blair, Bond, Brown, Clemente, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Hansen, Haussler, Hendricks, Hurley G. S., Hurley M., Juelling, Kilbury, Kuehnle, Laughlin, Lee, Luders, Lysen, Martinis, Matthews, May, Moon, Moreau, Nelson, Pardini, Patterson, Perry, Peterson, Polk, Savage, Schumaker, Sommers, Tilly, Wilson.

Voting nay: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Boldt, Ceccarelli, Chandler, Charette, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Haley, Hanna, Hawkins, Hayner, Jastad, Kalich, King, Knowles, Leckenby, Lux, Maxie, McCormick, McKibbin, North, O'Brien, Paris, Parker, Randall, Seeberger, Shinpoch, Smith E. P., Smith R., Thompson, Valle, Warnke, Whiteside, Williams, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Hansey, Newhouse, Sherman.

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and House Bill No. 1240 was placed on final passage.

Mr. Shinpoch spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1240, and the bill passed the House by the following vote: Yeas, 88; nays, 5; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Berentson, Blair, Boldt, Bond, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Shinpoch;

Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Bender, Brown, Greengo, Leckenby, Matthews.

Not voting: Representatives Charette, Newhouse, Sherman, Tilly, Whiteside.

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.

SECOND READING

HOUSE BILL NO. 1242, by Representatives Fortson, Bagnariol, Charnley, Hansen, North and Wilson:

Implementing 1975 special school relief measure.

The bill was read the second time.

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and House Bill No. 1242 was placed on final passage.

Mr. Shinpoch spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1242, and the bill passed the House by the following vote: Yeas, 94; nays, 0; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Newhouse, Sherman, Tilly, Whiteside.

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.

MOTIONS

On motion of Mr. Charette, all bills passed during the morning's session were ordered transmitted immediately to the Senate.

On motion of Mr. Charette, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The House was called to order at 2:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Newhouse, Sherman and Smith (Rick). Representatives Newhouse and Sherman were excused.

MESSAGE FROM THE GOVERNOR

June 2, 1975

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I am returning herewith without my approval SUBSTITUTE HOUSE BILL NO. 29 entitled:

"AN ACT Relating to gambling."

The major elements of the bill are: (1) the gambling commission is made an independent agency; (2) the gambling revolving fund is abolished and the commission made subject to general fund appropriations; and (3) the existing requirement that license fees be sufficient to cover all licensing and enforcement costs of the commission is removed.

I believe there is good reason for making the gambling commission an independent agency rather than being tied to the manpower and budgetary limitations of the Department of Motor Vehicles. However, I have serious objections to the other elements of the bill, and the bill is drafted in such a manner that I am compelled to veto it in its entirety.

While I have long supported the removal of special funds and the requirement that all agencies be subject to the accountability of the general fund budgeting process, I am persuaded that the gambling commission must be recognized as an exception and its revolving fund retained. Legalized gambling presents unique problems relating to regulation and enforcement, and experience in other states has shown that effective control of gambling requires that the regulatory agency be free to the greatest possible extent of any political pressures. Experts in the State of Nevada attribute that state's success in recent years in rooting out dishonest and corrupt elements from the gambling industry to the development of a highly capable and expert enforcement mechanism. At the heart of that mechanism is that state's gambling control agency which is independent of the general fund appropriation process and which is empowered by law to set such fees as are necessary to fund all of its operational and enforcement costs. It is generally acknowledged that the agency would not have the necessary flexibility to perform effectively if it were compelled to depend on both the executive and the legislative branches for its required appropriations.

It is also based on the experience of other states that I believe the statutory requirement on the level of license fees must be retained. The Legislature has determined at each succeeding session that the scope of legalized gambling in this state should be expanded. Proper regulation requires the employment of personnel not only for enforcement, but also for investigatory purposes. The cost thereof, which can be considerable, should not be borne by general taxes but by those who choose to go into the business of gambling in one form or another.

For the foregoing reasons, I have determined to veto Substitute House Bill No. 29.

Respectfully submitted,
DANIEL J. EVANS,
GOVERNOR.

MOTION

Mr. Shinpoch moved that the House do pass Substitute House Bill No. 29 notwithstanding the veto by the Governor.

Mr. Shinpoch spoke in favor of the motion.

Mr. Pardini demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Newhouse, Sherman and Smith (Rick).

MOTION

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 29 notwithstanding the Governor's veto.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 29 notwithstanding the veto of the Governor, and the bill failed to pass the House by the following vote: Yeas, 58; nays, 37; not voting, 3.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Luders, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Randall, Savage, Seeberger, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gaines, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueling, Leckenby, Lee, Lysen, Matthews, Nelson, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Williams, Wilson, Zimmerman.

Not voting: Representatives Newhouse, Sherman, Smith R.

Substitute House Bill No. 29 notwithstanding the veto of the Governor, having failed to receive the constitutional two-thirds majority, was declared lost.

MESSAGE FROM THE GOVERNOR

July 2, 1975

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON
LADIES AND GENTLEMEN:

I am returning herewith without my approval as to several sections HOUSE BILL NO. 675 entitled:

"AN ACT Relating to state government."

This bill changes, among other things, the existing law as it relates to the expenditure of unanticipated receipts, and delegates to the Legislative Budget Committee the power to approve or disapprove expenditure of such receipts while the Legislature is not in session. During a legislative session, such power of approval would rest with the House and Senate standing committees on Ways and Means. Under existing law, it is the duty of the Governor to review and approve proposals for expenditure of unanticipated receipts with due notice to the Legislative Budget Committee and the Ways and Means Committees of each house.

This bill is one of the latest of a number of bills passed in recent sessions designed to take away from the executive functions and duties which are executive in nature and delegate them instead to legislative committees. I have vetoed several bills or portions of bills which have attempted to accomplish this, and I object to several sections of this bill for the same reasons.

I believe that the interposing of legislative committees into executive functions at best violates the fundamentals of good government. Even more seriously, I am advised that the delegation of such a function to a legislative committee could transform that committee into a "civil office" within the meaning of Article II, section 13 of the Washington State Constitution. This would prevent any member of the Legislature from serving on such a committee, which is an unfortunate result that I do not believe the Legislature intended.

While the Legislature as a whole has the constitutional power to control expenditure of public funds through the appropriation process, I question whether the delegation of such power to a legislative committee is permissible under our Constitution, and look on this as even more reason why I cannot approve this kind of procedure.

For these reasons, I have determined to veto sections 3, 4, and 12. Since subsection (1) in section 21 repeals the existing section of the law on approval of expenditure of unanticipated receipts, I have determined also to veto that subsection. I do not believe I am constrained in vetoing the entire section 21 inasmuch as the repealer in subsection (1) constitutes a separate and independent subject by itself.

With those exceptions, the remainder of the bill is approved.

Respectfully submitted,
DANIEL J. EVANS,
GOVERNOR.

MOTION

Mr. Shinpoch moved that the House do pass House Bill No. 675 notwithstanding the Governor's veto.

Mr. Shinpoch spoke in favor of the motion, and Mr. Williams spoke against it.

Representative Smith (Rick) appeared at the bar of the House.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 675 notwithstanding the Governor's veto, and the bill failed to pass the House by the following vote: Yeas, 56; nays, 40; not voting, 2.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, Knowles, Laughlin, Luders, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Randall, Savage, Seeberger, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Charette, Charnley, Curtis, Deccio, Dunlap, Eng, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueing, King, Kuehnle, Leckenby, Lee, Lysen, Matthews, Nelson, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Williams, Wilson, Zimmerman.

Not voting: Representatives Newhouse, Sherman.

House Bill No. 675 notwithstanding the veto of the Governor, having failed to receive the constitutional two-thirds majority, was declared lost.

MESSAGE FROM THE SENATE

September 5, 1975

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 2980,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

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

Authorizing the state to pay election costs for general and primary elections for state officers in odd-numbered years.

MOTION

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

Mr. King moved adoption of the following amendment by Representatives King and Brown:

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 and RCW 29.80.010 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 the remaining section consecutively.

Mr. King spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Ceccarelli yielded to question by Mr. Kalich.

Mr. Kalich: "Do you mind having your picture in this, Representative Ceccarelli?"

Mr. Ceccarelli: "The people of the state have had the opportunity to read an awful lot about me over the past year and I have no objection to having a picture in the voters' pamphlet and having the chance to tell them something about myself, not at all."

The amendment was adopted.

On motion of Mr. King, the following amendment to the title was adopted:

On line 2 of the title 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 and RCW 29.80.010;"

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and Senate Bill No. 2980 as amended by the House was placed on final passage.

Representatives King and Haussler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 2980 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 0; not voting, 2.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan,

Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Newhouse, Sherman.

Senate Bill No. 2980 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 BILL NO. 1243, by Representatives Bagnariol and Polk:

Appropriating funds to the department of revenue for distribution resulting from the Valentine v. Johnston case.

MOTION

Mr. Conner moved that the rules be suspended, and House Bill No. 1243 be advanced to second reading and read the second time in full.

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Pardini.

Mr. Pardini: "Can you give us the background on this legislation; Representative Bagnariol?"

Mr. Bagnariol: "The taxpayers of Pierce County brought suit against the state in the taxing districts for rollback of taxes payable in 1971, that was part of the state revaluation program, and the state's share of the judgment was \$950,000 for the state levy for schools and local and regular levies including interest and costs. The court held no rollback of the special levies was necessary. We have a couple of choices: We can either make a direct appropriation, which this bill does, or if the legislature does not make this appropriation, approximately the same amount of money will be withheld from the Pierce County state levies payable to the state in 1976. If the latter course is followed you have two problems. Law suits could be brought against the state on the grounds that the school levy would not be uniform statewide and this could cost the state up to about ten million dollars. Interest would run on that judgment at the rate of 8% and so therefore I elected to go ahead with legislation to make a direct appropriation."

Mr. Pardini: "I'm still confused. Does this have any semblance or resemblance to the attempts to appropriate this money in the budget which has been rejected twice by this body? Is this the same case?"

Mr. Bagnariol: "It's the Valentine case in Pierce County. I do believe we did appropriate \$750,000, and that appropriation ran out and the decision was made not to do anything until such time as the court had ruled. The court has now ruled and we do have a judgment against the state for \$950,000. It has been through the appeals process."

Mr. Ehlers spoke in favor of the motion.

On motion of Mr. Curtis, Representative Paris was excused from further business under the Call of the House.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Ms. Sherman appeared at the bar of the House.

The Speaker stated the question before the House to be the motion to advance House Bill No. 1243 to second reading.

Mr. Pardini spoke in favor of the motion, and it was carried.

House Bill No. 1243 was read the second time in full.

On motion of Mr. Bagnariol, the rules were suspended, the second reading considered the third, and House Bill No. 1243 was placed on final passage.

Representatives Bagnariol and Eikenberry spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1243, and the bill passed the House by the following vote: Yeas, 86; nays, 10; not voting, 2.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hayner, Hurley G. S., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Pardini, Parker, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Berentson, Blair, Curtis, Hansey, Hendricks, Hurley M., Kuehnl, Matthews, Patterson, Wilson.

Not voting: Representatives Newhouse, Paris.

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.

MOTION

On motion of Mr. Thompson, Representative Bond was excused from further business under the Call of the House.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 40, by Representatives Kuehnl, Dunlap, Polk, Deccio, Hayner, Haley, Gilleland, Pardini, Curtis, Chandler, Berentson, Freeman, Nelson, Schumaker, Brown, Patterson, Matthews, Bond, Leckenby, Zimmerman, Wilson, Juelling, Lee, Hansey; Flanagan, Peterson, Whiteside, Paris and Greengo (by Executive request):

Setting forth legislative declaration urging defeat of Initiative 314.

MOTION

On motion of Mr. Charette, the rules were suspended, and House Concurrent Resolution No. 40 was advanced to second reading and read the second time in full.

Mr. Moon moved adoption of the following amendment:

On line 1 after "is" and before "an" strike the remainder of the resolution and insert the following: "a well conceived proposal that was drafted in such a manner that it should withstand a constitutional challenge; and

WHEREAS, Individual taxes are now too high and corporation taxes are too low; and

WHEREAS, In the past sixteen years sales taxes have been raised four times and property taxes have nearly tripled; and

WHEREAS, Initiative 314 will help restore balance to the state tax structure; and

WHEREAS, Initiative 314 is a positive step toward a fair tax system and was placed on the ballot by the signatures of more than 122,000 voters; and

WHEREAS, Said Initiative will provide property owners with tax relief of at least \$195 million and shift this tax to a franchise tax on corporations for the privilege of doing business in the state of Washington with such privilege tax being based on the best indicator of this privilege, i.e., the profits derived from doing business in the state of Washington; and

WHEREAS, The impact of such Initiative 314 would fall mainly on large out-of-state corporations which pay minimal property taxes and employ few people in this state, but instead use our state primarily as a marketplace for their products; and

WHEREAS, Such shift of property taxes to a tax on corporate profits would thus provide consumers more buying power and stimulate Washington business; and

WHEREAS, The impact on Washington corporations will not be unfair—no profits, no taxes; and

WHEREAS, In the forty-five other states already taxing corporation profits, corporate business has continued to grow and prosper; and

WHEREAS, The corporate profits tax will keep money in the state of Washington that would otherwise go to out-of-state stockholders as corporate dividends or to the federal government as taxes and this money kept in the state of Washington can then be spent here to help create jobs for Washington's 150,000 unemployed workers;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, the Senate concurring, That the Legislature of the State of Washington condones Initiative 314 and urges its passage at the polls in November."

QUESTION OF CONSIDERATION

Mr. Eikenberry raised the question of consideration on the amendment by Representative Moon to House Concurrent Resolution No. 40.

The Speaker stated that a vote "aye" meant that the members wished to consider the amendment, and a vote "nay" meant that they did not wish to consider it.

Mr. Charette demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the question of consideration of the amendment by Representative Moon to House Concurrent Resolution No. 40, and the question was decided in the affirmative by the following vote: Yeas, 62; nays, 33; not voting, 3.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Randall, Savage, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Juelling, Kuehnle, Leckenby, Lee, Matthews, Nelson, Pardini, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Bond, Newhouse, Paris.

Mr. Moon spoke in favor of the amendment, and Mr. Leckenby spoke against it.

MOTION

Mr. Eikenberry moved that the amendment be laid on the table.

Mr. Charette demanded an electric roll call and the demand was sustained.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "Would you explain the basis for the reasoning of the Chair in saying that the motion that will table Mr. Moon's amendment would also table the main motion?"

The Speaker: "Reed's Rule 114, 'To Lay on the Table.—This motion is practically a motion to suspend the consideration of a question during the pleasure of the House. It carries with it all questions connected with the special question on which it is moved. If it be moved on the main question, then all amendments go with it; if moved on the amendment, then the main question goes on the table also. This is upon the very solid ground that you cannot go on with an amendment when the main subject is no longer before the House, and cannot go on with the main question when there exists amendments liable to be called up at the pleasure of the House. When a question laid upon the table is again called up, it comes up before the assembly precisely as it was prior to the motion to lay it on the table, with all the amendments and motions then pending; but the motion to take from the table is not a privileged motion."

POINT OF PARLIAMENTARY INQUIRY

Mr. Eikenberry: "Mr. Speaker, my question is asking the Speaker to rule on a point. The point is my reason for making the motion in the first place. I'm concerned that voting in any way on this amendment or the resolution itself will put us in violation of the laws that exist in this state, particularly RCW 42.17.130, which prohibits public officials from using the facilities of their offices to campaign in any way, directly or indirectly, for a ballot issue. I want to make sure that we have exhausted every resource to avoid doing that. If the Speaker rules that I must vote then I will, but the reason I moved is to lay this whole issue on the table and avoid violating the law in that manner."

SPEAKER'S RULING

The Speaker: "Your point is a very cogent point in regard to a lawyer talking to a lawyer and I do share some of your same concerns. I was under the assumption when this many people put this resolution before us that the matter had been checked and that it was positive that they could do this. We have been informed in our caucus that this matter has been checked and it would not be in violation, but I have some serious doubts in my mind from a legal standpoint. The Chair is not in a position to rule on the legality of the matter before us

and since we are under the Call of the House I think it's up to the body. We have already voted once and I think we are beyond the position of retreat."

The Speaker stated the question before the House to be the motion by Mr. Eikenberry to lay the Moon amendment on the table.

ROLL CALL

The Clerk called the roll on the motion to table the Moon amendment to House Concurrent Resolution No. 40, and the motion was lost by the following vote: Yeas, 44; nays, 51; not voting, 3.

Voting yea: Representatives Amen, Bagnariol, Barnes, Berentson, Blair, Brown, Ceccarelli, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jueling, Kuehnle, Leckenby, Lee, Luders, Matthews, Nelson, North, O'Brien, Pardini, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Shipoch, Smith R., Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Perry, Savage, Seeberger, Sherman, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, and Mr. Speaker.

Not voting: Representatives Bond, Newhouse, Paris.

The Speaker called on Mr. O'Brien to preside.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendment by Representative Moon to House Concurrent Resolution No. 40.

Mr. Douthwaite spoke in favor of the amendment, and Representatives Kuehnle and Flanagan spoke against it.

Mr. Smith (Rick) demanded the previous question, and the demand was not sustained.

Mr. Curtis spoke in opposition to the amendment, and Mr. Moon closed debate, speaking in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Moon to House Concurrent Resolution No. 40, and the amendment was adopted by the following vote: Yeas, 52; nays, 43; not voting, 3.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, King, Laughlin, Luders, Lux, Lysen, Maxie, McKibbin, Moon, North, Perry, Randall, Savage, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Brown, Ceccarelli, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Jueling, Kalich, Knowles, Kuehnle, Leckenby, Lee, Martinis, Matthews, May, McCormick, Moreau, Nelson, O'Brien, Pardini, Parker, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Bond, Newhouse, Paris.

House Concurrent Resolution No. 40 was ordered engrossed.

Mr. Conner moved that the rules be suspended, the second reading considered the third, and Engrossed House Concurrent Resolution No. 40 be placed on final passage.

A division was demanded.

ROLL CALL

The Clerk called the roll on the motion to advance Engrossed House Concurrent Resolution No. 40 to third reading and final passage, and the motion failed to receive the required two-thirds majority vote by the following vote: Yeas, 58; nays, 37; not voting, 3.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Luders, Lux, Lysen, Martinis, Maxie, McCormick, McKibbin, Moon, North, Parker, Perry, Randall, Savage, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Berentson, Brown, Ceccarelli, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Jueling, Kuehnle, Leckenby, Lee, Matthews, May, Moreau, Nelson, O'Brien, Pardini, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Bond, Newhouse, Paris.

Engrossed House Concurrent Resolution No. 40 was passed to Committee on Rules.

REPORT OF STANDING COMMITTEE

September 5, 1975

HOUSE BILL NO. 1241, Prime Sponsor: Representative Perry, revising the system of transportation excise tax. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Perry, Chairman; Barnes, Berentson, Ceccarelli, Chandler, Charnley, Conner, Gallagher, Hansen, Kalich, Laughlin, Leckenby, Martinis, McCormick, Patterson, Seeberger.

MINORITY recommendation: Do not pass. Signed by Representatives Bender, Lysen.

MOTIONS

On motion of Mr. Perry, the rules were suspended, and House Bill No. 1241 was advanced to second reading and read the second time in full.

On motion of Mr. Perry, Substitute House Bill No. 1241 was substituted for House Bill No. 1241, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1241 was read the second time.

Mr. Douthwaite moved adoption of the following amendment by Representatives Douthwaite, Hawkins, Becker, Sommers, Bender, Pardini and Blair:

On page 3, line 6 after "by law," strike "eleven" and insert "ten"

Mr. Douthwaite spoke in favor of the amendment.

MOTION

Mr. Flanagan moved that Substitute House Bill No. 1241 be rereferred to Committee on Ways and Means.

Mr. Flanagan spoke in favor of the motion, and Representatives Bagnariol and Perry spoke against it.

The motion was lost.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendment by Representative Douthwaite and others.

Representatives Pardini, Lee and Charnley spoke in favor of the amendment, and Representatives Patterson and Perry spoke against it.

Mr. Perry changed his position and spoke in favor of the amendment, and Representatives Hurley (George) and Berentson spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Douthwaite and others to Substitute House Bill No. 1241, and the amendment was not adopted by the following vote: Yeas, 46; nays, 49; not voting, 3.

Voting yea: Representatives Barnes, Bauer, Bausch, Becker, Bender, Blair, Brown, Ceccarelli, Charnley, Clemente, Cochrane, Douthwaite, Ehlers, Eng, Erickson, Fischer, Gaspard, Haley, Hawkins, Hendricks, Hurley G. S., Hurley M., King, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, McKibbin, Moon, Moreau, Nelson, North, Pardini, Perry, Peterson, Polk, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Valle, Williams.

Voting nay: Representatives Adams, Amen, Bagnariol, Berentson, Boldt, Chandler, Charette, Conner, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hayner, Jastad, Jueling, Kalich, Kilbury, Knowles, Kuehnle, Luders, Martinis, May, McCormick, O'Brien, Parker, Patterson, Randall, Savage, Schumaker, Seeberger, Thompson, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Bond, Newhouse, Paris.

The Speaker resumed the Chair.

Mr. Pardini moved adoption of the following amendment by Representatives Pardini and Perry:

On page 3, line 14 after "biennium:" insert "PROVIDED, That it is the intent of the Legislature that one cent per gallon of the excise tax on motor vehicle fuel imposed in this section is to meet gasoline tax increase requirements of any pending federal legislation in order that the state of Washington shall qualify for any federal matching funds provided by such legislation."

Representatives Pardini and Perry spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Perry yielded to question by Mr. Kuehne.

Mr. Kuehne: "This is a kind of clever gimmick and I'm glad somebody thought of it. I don't really know how legal it is, but as long as we are doing it, why don't we label both cents as potential matching cents for federal funding in the event that they should decide to get doubly generous?"

Mr. Perry: "We are trying to stand within what the federal might do and what they might possibly not do—to give us one cent back. There is no way—it doesn't make any sense to make both cents for the federal match, if this body should pass this, nor is it desirable. Our programs in effect do not require all that money for a federal match. All we are trying to do is to stay within the law and be able to keep our maintenance of effort with this amendment. This isn't a very clever amendment, it's just a straightforward amendment for the federal maintenance of effort."

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Kuehne.

Mr. Kuehne: "I guess the point I'm trying to get at is: Do we have some way of anticipating the fact that there may be a penny more involved coming back from the federal government and why may we not anticipate there might be two cents?"

Mr. Pardini: "The proposed Highway Safety Act which presently is pending before Congress only specifically at the present time talks about one cent. There is the remote possibility that it could go to two cents if the Congress should change that; however, it is very unlikely they would. I suspect, in answer to your question, that yes, we could say two cents if that is what we wind up with and be doubly as well off. Then the question would remain, do we really need it to run the highway program and, as Representative Perry has said, two cents, regardless of the source, whether it's state source or federal funds, is adequate to run the program. The proposed legislation actually says that any state that raises it after September 30th would qualify for the one cent. On Thursday of this week the Secretary of the Department of Transportation was in Seattle and I happened to be attending the conference. I addressed him very specifically and said that we would be dealing with the problem this weekend; what could we do in order to qualify if we raise the tax this weekend? His suggestion almost verbatim was, 'Draft a maintenance of effort clause in there and I assure you our legal counsel will recognize that this is a maintenance of effort.' You are right, we could go for the two cents if we wanted to; it appears from all of our highway people that we don't need two plus two and it's unlikely the federals would do it."

The amendment was adopted.

Mr. Flanagan moved adoption of the following amendment:

On page 8, line 27 after section 7 insert a new section as follows:

"NEW SECTION. Sec. 8. Any person who uses any motor vehicle fuel or special fuel for the purpose of operating any vehicle used primarily for the transportation of food products, whether processed or unprocessed, shall be entitled to and shall receive a refund of the amount of the tax paid in excess of nine cents per gallon of fuel so used."

Renumber the remaining sections consecutively and correct internal references.

Mr. Flanagan spoke in favor of the amendment, and Representatives Perry and Berentson spoke against it.

The amendment was not adopted.

Mr. Barnes moved adoption of the following amendment:

On page 10, line 23 after "tax amount" insert "": PROVIDED, That this amount shall not be considered to effect a reduction in fares or in proposed fare increases by the toll bridge authority"

Representatives Barnes and Leckenby spoke in favor of the amendment, and Representatives Perry, Berentson and Conner spoke against it.

Mr. Barnes closed debate, speaking again in favor of the amendment.

The amendment was not adopted.

Mr. Leckenby moved adoption of the following amendment to Substitute House Bill No. 1241:

On page 12, line 17 after "commission" insert ": PROVIDED, That the series II bonds authorized under this section shall be issued for a maximum debt period of ten years from the date of sale"

Mr. Leckenby spoke in favor of the amendment, and Mr. Perry spoke against it.

Mr. Leckenby closed debate, speaking again in favor of the amendment.

The amendment was not adopted.

Mrs. North moved adoption of the following amendment:

On page 12, line 17 after "commission" and before the period insert ": PROVIDED, That the urban arterial board is hereby authorized and directed to adopt necessary rules and guidelines to provide for allocation of an equitable share of such series II bond proceeds to incorporated areas of the state under five thousand population pursuant to the intent of chapter 253, Laws of 1975 1st ex. sess., and that none of the proceeds from the sale of series II bonds shall be allocated or expended until the adoption of such rules and guidelines by the urban arterial board: PROVIDED, FURTHER, That in no event shall the amount of series II bond proceeds to be allocated to incorporated areas under five thousand population be less than an amount computed by multiplying the total amount of series II bond proceeds by a fraction, the numerator of which is the total population of all incorporated areas under five thousand population and the denominator of which is the total population of all urban areas"

Representatives North and Perry spoke in favor of the amendment, and it was adopted.

On motion of Mr. Perry, the following amendments were adopted:

On page 14, line 8 strike all of section 19 and insert the following:

"NEW SECTION. Sec. 19. Sections 1 through 7 of this 1975 amendatory act shall constitute a new chapter in Title 82 RCW, to be designated as chapter 82.45 RCW under the caption of 'Transportation Excise Tax'. Such sections shall also be organized under a subheading of 'IMPOSITION, RATES, AND DISTRIBUTION'.

In addition RCW 82.36.010, 82.36.030, 82.36.040, 82.36.050, 82.36.060, 82.36.070, 82.36.080, 82.36.090, 82.36.110, 82.36.120, 82.36.130, 82.36.140, 82.36.150, 82.36.160, 82.36.170, 82.36.180, 82.36.190, 82.36.200, 82.36.210, 82.36.220, 82.36.230, 82.36.240, 82.36.250, 82.36.260, 82.36.270, 82.36.275, 82.36.280, 82.36.290, 82.36.300, 82.36.302, 82.36.305, 82.36.306, 82.36.310, 82.36.320, 82.36.330, 82.36.335, 82.36.340, 82.36.350, 82.36.360, 82.36.370, 82.36.375, 82.36.380, 82.36.390, 82.36.400, 82.36.410, 82.36.420, 82.36.430, and 82.36.440 shall be recodified as and be a part of chapter 82.45 RCW and shall be organized under a subheading 'ADMINISTRATIVE PROVISIONS RELATING TO MOTOR VEHICLE FUEL TAXED UNDER RCW 82.45.__(2)(a) AND (2)(d)' (section 3(2)(a) and 3(2)(d) of this 1975 amendatory act).

In addition RCW 82.37.020, 82.37.040, 82.37.050, 82.37.060, 82.37.070, 82.37.080, 82.37.090, 82.37.100, 82.37.110, 82.37.120, 82.37.130, 82.37.140, 82.37.145, 82.37.150, 82.37.160, 82.37.170, 82.37.180, and 82.37.190 shall be recodified as and be a part of chapter 82.45 RCW and shall be organized under a subheading 'ADMINISTRATIVE PROVISIONS RELATING TO MOTOR VEHICLE FUEL IMPORTERS TAXED UNDER RCW 82.45.__(2)(b)' (section 3(2)(b) of this 1975 amendatory act).

In addition RCW 82.38.020, 82.38.040, 82.38.050, 82.38.060, 82.38.070, 82.38.080, 82.38.090, 82.38.100, 82.38.110, 82.38.120, 82.38.130, 82.38.140, 82.38.150, 82.38.160, 82.38.170, 82.38.180, 82.38.190, 82.38.200, 82.38.210, 82.38.220, 82.38.230, 82.38.240, 82.38.250, 82.38.260, 82.38.270, 82.38.280, 82.38.290, and 82.38.300 shall be recodified as and be a part of chapter 82.45 RCW and shall be organized under a subheading 'ADMINISTRATIVE PROVISIONS RELATING TO SPECIAL FUEL TAXED UNDER RCW 82.45.__(2)(c)' (Section 3(2)(c) of this 1975 amendatory act).

In addition RCW 82.44.010, 82.44.030, 82.44.040, 82.44.045, 82.44.050, 82.44.060, 82.44.070, 82.44.080, 82.44.090, 82.44.100, 82.44.120, 82.44.130, 82.44.140, and 82.44.160 shall be recodified as and be a part of chapter 82.45 RCW and shall be organized under a subheading 'ADMINISTRATIVE PROVISIONS RELATING TO THE USE OF MOTOR VEHICLES TAXED UNDER RCW 82.45.__(1)' (section 3(1) of this 1975 amendatory act).

Wherever reference is made elsewhere in the Revised Code of Washington to such recodified sections or chapters, it shall mean and be the same as a reference to their corresponding sections in chapter 82.45 RCW."

On page 14, line 18 strike all of section 20 and insert the following:

"NEW SECTION. Sec. 20. The following acts or parts of acts are each hereby repealed:

- (1) Section 1, chapter 28, Laws of 1974 ex. sess. and RCW 82.36.020;
- (2) 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;
- (3) Section 1, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.010;

(4) Section 3, chapter 22, Laws of 1963 ex. sess., section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.030;

(5) Section 22, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.900;

(6) Section 23, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.910;

(7) Section 24, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.920;

(8) Section 2, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.010;

(9) 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;

(10) Section 32, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.900;

(11) Section 1, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.910;

(12) Section 34, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.920;

(13) Section 36, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.930;

(14) Section 82.44.020, chapter 15, Laws of 1961, section 2, chapter 199, Laws of 1963 and RCW 82.44.020;

(15) 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;

(16) Section 1, chapter 87, Laws of 1972 ex. sess., section 5, chapter 136, Laws of 1973 1st ex. sess., section 6, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150; and

(17) Section 82.44.900, chapter 15, Laws of 1961 and RCW 82.44.900."

Mr. Hawkins moved adoption of the following amendment by Representatives Hawkins, Valle, Brown, Cochrane, Douthwaite and Lysen:

On page 15, beginning on line 7, strike all of section 21 and insert the following:

"NEW SECTION. Sec. 21. This 1975 act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1975, all in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof."

Representatives Hawkins, Lysen, Haley and Cochrane spoke in favor of the amendment, and Representatives Perry and Sommers spoke against it.

Mr. Hawkins closed debate, speaking again in favor of the amendment.

The amendment was not adopted.

On motion of Mr. Perry, the following amendments to the title were adopted:

On page 1, line 29 of the title after "82.37.030;" and before "repealing" insert "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;"

On page 2 of the title, line 4 after "82.38.030;" and before "repealing" insert "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;"

On page 2 of the title, line 11, after "82.44.150;" and before "declaring" insert "repealing section 82.44.900, chapter 15, Laws of 1961 and RCW 82.44.900;"

Substitute House Bill No. 1241 was ordered engrossed.

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and Engrossed Substitute House Bill No. 1241 was placed on final passage.

Representatives Perry and Charnley spoke in favor of the bill, and Mr. Eikenberry spoke against it.

POINT OF INQUIRY

Mr. Perry yielded to question by Mr. Deccio.

Mr. Deccio: "Representative Perry, it has been my understanding from the highway people that the reason the freeway completion that has a high priority cannot be completed is because of lack of funds. My question to you is, is it the intent of this legislature, if this bill passes, that the freeway system in this state be completed on a priority basis?"

Mr. Perry: "Yes, it is, that's the program that is in that highway budget today pending the financing of this by the passage of this bill. Let me qualify what I mean by freeway. I don't mean any freeways in urban areas; I mean I-90 and the one over by Yakima and the one down in Clark-Vancouver area—those roads are the roads that are due to be completed."

Mr. Deccio: "Then if I vote for this bill, it would be safe for me to go back home and say that this is probably the only way that I-82 will be completed—that's the area that goes through my district?"

Mr. Perry: "I think that is a safe statement to make, and if this bill doesn't pass, I think you can say that it won't be completed."

Mr. Deccio spoke in favor of passage of the bill, and Representatives Hurley (Margaret) and Brown spoke against it.

Mr. Conner demanded an oral roll call and the demand was sustained.

Representatives Hurley (George) and Bagnariol spoke in favor of the bill, and Representatives Greengo and Lee spoke against it.

Mr. Perry closed debate, speaking in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1241, and the bill failed to pass the House by the following vote: Yeas, 44; nays, 51; not voting, 3.

Voting yea: Representatives Adams, Bausch, Berentson, Boldt, Ceccarelli, Chandler, Charnley, Conner, Deccio, Ehlers, Eng, Erickson, Fischer, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hurley G. S., Jastad, Kalich, Kilbury, King, Laughlin, Leckenby, Lux, Martinis, Matthews, Maxie, Nelson, North, Parker, Patterson, Perry, Peterson, Savage, Seeberger, Sherman, Smith E. P., Smith R., Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Blair, Brown, Charette, Clemente, Cochrane, Curtis, Douthwaite, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gilleland, Greengo, Haley, Hansey, Hawkins, Hayner, Hendricks, Hurley M., Jueling, Knowles, Kuehnle, Lee, Luders, Lysen, May, McCormick, McKibbin, Moon, Moreau, O'Brien, Pardini, Polk, Randall, Schumaker, Shinpoch, Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson.

Not voting: Representatives Bond, Newhouse, Paris.

Engrossed Substitute House Bill No. 1241, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Mr. Bagnariol, having voted on the prevailing side, moved that the House reconsider the vote by which Engrossed Substitute House Bill No. 1241 failed to pass the House on the next working day.

MESSAGES FROM THE SENATE

September 6, 1975

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE CONCURRENT RESOLUTION NO. 122, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

September 6, 1975

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 2980 and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

September 6, 1975

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1240,
HOUSE BILL NO. 1242,
HOUSE BILL NO. 1243,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

September 6, 1975

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 122,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced that he was about to sign:

HOUSE BILL NO. 1240,

HOUSE BILL NO. 1242,

HOUSE BILL NO. 1243,

SENATE CONCURRENT RESOLUTION NO. 122.

MOTION

On motion of Mr. Thompson, Representative Savage was excused from further business under the Call of the House.

SENATE AMENDMENT TO HOUSE BILL

September 6, 1975

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1230 with the following amendment:

On page 3, beginning on line 28, being line 15 of the committee amendment, strike all of the material down through line 32, being line 20 of the committee amendment, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. King, the House concurred in the Senate amendment to Engrossed House Bill No. 1230.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1230 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1230 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; nays, 2; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnie, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Pardini, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Flanagan, Zimmerman.

Not voting: Representatives Bond, Newhouse, Paris, Savage.

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.

MESSAGE FROM THE SENATE

September 6, 1975

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 2979,
and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

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

Changing laws relating to unanticipated receipts and submitting such changes to a vote of the people.

MOTION

Mr. Charette moved that the rules be suspended, and Engrossed Senate Bill No. 2979 be advanced to second reading and placed on today's second reading calendar.

Mr. Curtis spoke against the motion.

Mr. Conner demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to advance Engrossed Senate Bill No. 2979 to second reading, and the motion failed to receive the necessary two-thirds majority vote by the following vote: Yeas, 60; nays, 34; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Luders, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Brown, Chandler, Curtis, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Greeno, Haley, Hansey, Hayner, Hendricks, Jueling, Kuehnle, Leckenby, Lee, Lysen, Matthews, Nelson, Pardini, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Williams, Wilson, Zimmerman.

Not voting: Representatives Bond, Newhouse, Paris, Savage.

Engrossed Senate Bill No. 2979 was passed to Committee on Rules for second reading.

The Speaker called on Mr. O'Brien to preside.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the Speaker was signing:
HOUSE BILL NO. 1230.

MESSAGE FROM THE SENATE

September 6, 1975

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1230,
HOUSE BILL NO. 1240,
HOUSE BILL NO. 1242,
HOUSE BILL NO. 1243,
SENATE BILL NO. 2980,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the Speaker was signing:
SENATE BILL NO. 2980.

MESSAGE FROM THE SENATE

September 6, 1975

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 124,
and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 124, by Senator Mardesich:

Recess until January 12, 1976.

MOTION

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

On motion of Mr. Charette, the rules were suspended, the second reading considered the third, and Senate Concurrent Resolution No. 124 was placed on final passage.

Representatives Charette and Pardini spoke in favor of the resolution, and it was adopted.

The Speaker resumed the Chair.

MESSAGE FROM THE SENATE

September 6, 1975

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 124,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced that he was about to sign:

SENATE CONCURRENT RESOLUTION NO. 124.

MOTIONS

On motion of Mr. Charette, the House dispensed with further business under the Call of the House.

On motion of Mr. Charette, the House adjourned in accordance with the provisions of Senate Concurrent Resolution No. 124, until 12:00 noon, Monday, January 12, 1976.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, January 12, 1976.

The House was called to order at 12:00 noon by the Speaker. The Clerk called the roll and all members were present except Representatives Laughlin and Nelson, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Megan Walsh and Bob Bryson. Prayer was offered by the Reverend Ronald B. Snelling of the First United Presbyterian Church of Sumner.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SECRETARY OF STATE

January 12, 1976

TO THE HONORABLE, THE SPEAKER
OF THE HOUSE OF REPRESENTATIVES
THE LEGISLATURE OF THE STATE OF WASHINGTON

Sir:

I, BRUCE K. CHAPMAN, Secretary of State of the State of Washington, do hereby certify that the following is a full, true and correct list of the persons elected, for unexpired terms, to the office of State Representative at the State General Election held in the State of Washington on the fourth day of November, 1975, as shown by the official returns of said election now on file in the office of Secretary of State and that the following are entitled to seats in the House of Representatives of the State of Washington during the remainder of its forty-fourth biennial session as appears from said election returns:

<u>DISTRICT</u>	<u>NAME</u>	<u>COUNTIES REPRESENTED</u>
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No. 35	Eugene V. Lux	King, part
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No. 46	Irving Greengo	King, part
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IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this twelfth day of January, A.D., 1976.

BRUCE K. CHAPMAN
Secretary of State

(Seal)

The Speaker appointed Representatives Eikenberry and Knowles to escort the Honorable Chief Justice Stafford of the Supreme Court of Washington to the rostrum.

The Speaker appointed Representatives O'Brien and Valle to escort Eugene V. Lux to the rostrum, and Representatives Blair and Wilson to escort Irving Greengo to the rostrum.

Chief Justice Stafford issued the oath of office to them, and the Speaker requested the committees to escort Representatives Greengo and Lux from the rostrum to their seats within the House Chamber.

The Speaker requested the escort committee to escort Chief Justice Stafford from the House Chamber.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 42, by Representative Charette:

Joint session to receive message from the Governor.

MOTION

On motion of Mr. Charette, the rules were suspended, and House Concurrent Resolution No. 42 was advanced to second reading and read the second time in full.

On motion of Mr. Charette, the rules were suspended, the second reading considered the third, and House Concurrent Resolution No. 42 was placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 43, by Representative Charette:

Reintroducing bills from the first extraordinary session of the 44th legislature.

MOTION

On motion of Mr. Charette, the rules were suspended, and House Concurrent Resolution No. 43 was advanced to second reading and read the second time in full.

On motion of Mr. Charette, the rules were suspended, the second reading considered the third, and House Concurrent Resolution No. 43 was placed on final passage.

POINT OF INQUIRY

Mr. Charette yielded to question by Mr. Pardini.

Mr. Pardini: "Under House Concurrent Resolution No. 43, for the benefit of all of the members, is it your intention that all bills be reactivated which have previously been filed with this legislative session?"

Mr. Charette: "I don't want to evade the question—reactivated, yes, but then the activity of the reactivation depends on the body. The answer is yes."

House Concurrent Resolution No. 43 was adopted.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1244, by Representatives Conner, Adams, Thompson, North, Becker, Charnley, Erickson, Fischer, Gallagher, Hendricks, Lux, Sherman and Sommers:

AN ACT Relating to human remains; adding new sections to chapter 68.08 RCW; and declaring an emergency.

To Committee on Social and Health Services

HOUSE BILL NO. 1245, by Representatives Valle, Chandler, Hawkins, Lux, Douthwaite, Dunlap, Cochrane, Kilbury, Bauer, Thompson, King, Conner, Paris, Fischer, Fortson, Zimmerman, Maxie, Becker, Charnley and Matthews:

AN ACT Relating to smoking; adding a new section to chapter 43.20 RCW; and providing penalties.

To Committee on Judiciary

HOUSE BILL NO. 1246, by Representatives Kilbury and Chandler:

AN ACT Relating to emergency medical service districts; and adding a new chapter to Title 36 RCW.

To Committee on Local Government

HOUSE BILL NO. 1247, by Representatives Leckenby, Barnes, Freeman, Hansey, Paris and Polk:

AN ACT Relating to the Washington public employees' retirement system; amending section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 151, Laws of 1972 ex. sess. and RCW 41.40-.010; and amending section 20, chapter 274, Laws of 1947 as last amended by section 6, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.190.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1248, by Representative Warnke:

AN ACT Relating to motor vehicle licenses; and amending section 46.16.020, chapter 12, Laws of 1961 as last amended by section 5, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.16.020.

To Committee on Commerce

HOUSE BILL NO. 1249, by Representative Charette:

AN ACT Relating to property taxation; and adding a new section to chapter 84.36 RCW.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1250, by Representatives Kilbury and Polk:

AN ACT Relating to elections; providing that in elections for school directors of the first class the names of both the person who receives the greatest number of votes and the person who receives the next greatest number of votes in the primary will appear on the general election ballot; and amending section 1, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.150.

To Committee on Constitution and Elections

HOUSE BILL NO. 1251, by Representatives Valle, Cochrane, McKibbin, Savage, Moon, Clemente, Hawkins, May, Bausch, Becker, Bender and Fischer:

AN ACT Relating to rules of the industrial welfare committee; and amending section 6, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.091.

To Committee on Labor

HOUSE BILL NO. 1252, by Representatives Fortson, Fischer, North, Boldt, Gaines and Gaspard:

AN ACT Relating to education; providing for certain student testing; creating new sections; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW.

To Committee on Education

HOUSE BILL NO. 1253, by Representatives Sherman, North and Gaines:

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

To Committee on Transportation and Utilities

HOUSE BILL NO. 1254, by Representatives Valle, Cochrane, McKibbin, Savage, Moon, Thompson, Hawkins, May, Bausch and Fischer:

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.

To Committee on Labor

HOUSE BILL NO. 1255, by Representatives Conner, Chandler, Barnes, Fischer and Haussler:

AN ACT Relating to volunteer firemen's relief and pensions; 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 1, chapter 26, Laws of 1974 ex. sess. and RCW 41.24.180; amending section 22, chapter 261, Laws of 1945 as last amended by section 3, chapter 86, Laws of 1965 and RCW 41.24.220; and amending section 23, chapter 261, Laws of 1945 as last amended by section 6, chapter 57, Laws of 1961 and RCW 41.24.230.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1256, by Representative Tilly:

AN ACT Relating to obscenity; and repealing section 209, chapter 249, Laws of 1909 and RCW 9.68.020.

To Committee on Judiciary

HOUSE BILL NO. 1257, by Representative Hendricks:

AN ACT Relating to municipal judges; and amending section 53, chapter 299, Laws of 1961 and RCW 3.50.040.

To Committee on Judiciary

HOUSE BILL NO. 1258, by Representatives Kilbury, Haussler and Amen:

AN ACT Relating to agriculture; and amending section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.010.

To Committee on Agriculture

HOUSE BILL NO. 1259, by Representatives Kilbury, Haussler, Hansen, Boldt and Tilly:

AN ACT Relating to agricultural water supply facilities; amending section 3, chapter 295, Laws of 1975 1st ex. sess. and RCW (____); and declaring an emergency.

To Committee on Ecology

HOUSE BILL NO. 1260, by Representatives Zimmerman, Barnes and Curtis:

AN ACT Relating to higher education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; creating a new section; and declaring an emergency.

To Committee on Higher Education

HOUSE BILL NO. 1261, by Representatives Sherman, Luders, Charnley, Dunlap, Wilson, Berentson, Eikenberry, Valle, Hawkins and Lux:

AN ACT Relating to beverage containers; and adding a new section to chapter 70.54 RCW.

To Committee on Commerce

HOUSE BILL NO. 1262, by Representatives Sommers, Erickson, Smith (Rick) and Ehlers:

AN ACT Relating to campaign funding for the offices of state legislator; adding a new chapter to Title 42 RCW; defining crimes; and prescribing penalties.

To Committee on Constitution and Elections

HOUSE BILL NO. 1263, by Representatives Charnley, Moreau, Warnke, Bender, Kilbury, Sherman, North, Bauer and Boldt:

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.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1264, by Representatives Martinis, Haussler, Kilbury, Greengo, Bond and Lee:

AN ACT Relating to land exchanges; and amending section 2, chapter 64, Laws of 1967 ex. sess. and RCW 79.08.109.

To Committee on Natural Resources

HOUSE BILL NO. 1265, by Representatives Valle, King, Cochrane, Savage, Moon, Clemente, Thompson, Hawkins, May, Bausch, Becker, Bender and Fischer:

AN ACT Relating to the hours of employment; adding new sections to chapter 49.28 RCW; defining crimes; and prescribing penalties.

To Committee on Labor

HOUSE BILL NO. 1266, by Representatives Jastad and Kalich:

AN ACT Relating to superior courts; and 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.

To Committee on Judiciary

HOUSE BILL NO. 1267, by Representatives Haussler, Becker, Boldt, Erickson, Gallagher and Lee:

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

To Committee on Local Government

HOUSE BILL NO. 1268, by Representatives Douthwaite, Becker and Lee:

AN ACT Relating to state government; creating new sections; making an appropriation for a study to determine the safety and business potential of the commerce in liquid natural gas by marine vessel; and declaring an emergency.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1269, by Representatives Sommers and Randall:

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; amending section 5, chapter 294, Laws of 1971 ex. sess. as last amended by section 3, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.050; amending section 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; prescribing an effective date; and declaring an emergency.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1270, by Representative Kalich:

AN ACT Relating to revenue and taxation; amending section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 5, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.04.050; 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 82.08.030, 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 82.12.020, 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 82.12.030, chapter 15, Laws of 1961 as last amended by section 11, chapter 291, Laws of 1975 1st ex. sess. and RCW 82.12.030; prescribing effective dates; and declaring an emergency.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1271, by Representatives McKibbin, Hendricks, Sommers, Bender, Douthwaite and Kilbury:

AN ACT Relating to state government; creating a state energy office; 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; adding a new chapter to Title 43 RCW; adding a new section to chapter 41.06 RCW; repealing section 1, chapter 10, Laws of 1965 and RCW 43.31.280; repealing section 3, chapter 10, Laws of 1965 and RCW 43.31.290; repealing section 8, chapter 10, Laws of 1965 and RCW 43.31.310; repealing section 9, chapter 10, Laws of 1965 and RCW 43.31.320; repealing section 7, chapter 10, Laws of 1965 and RCW 43.31.330; repealing section 4, chapter 207, Laws of 1961, section 4, chapter 10, Laws of 1965 and RCW 70.98.040; 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; and declaring an emergency.

To Committee on State Government

HOUSE BILL NO. 1272, by Representatives Sherman, Charnley, Chandler, Barnes and Lee:

AN ACT Relating to transportation; and amending section 81.68.010, chapter 14, Laws of 1961 as amended by section 10, chapter 210, Laws of 1969 ex. sess. and RCW 81.68.010.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1273, by Representatives Adams, Cochrane, Haley, Tilly, Lux, Peterson, Hanna, Fortson and Hendricks:

AN ACT Relating to health; defining irreversible coma as a criterion for death; and adding a new section to chapter 70.58 RCW.

To Committee on Social and Health Services

HOUSE BILL NO. 1274, by Representatives Fortson, Adams, Cochrane, Tilly, Hendricks, Greengo, Lux, Whiteside, Deccio, Hanna, Peterson, Fischer, Becker, Lee, Maxie and Sherman:

AN ACT Relating to the public health, safety, and welfare; creating a new chapter in Title 74 RCW; and prescribing an effective date.

To Committee on Social and Health Services

HOUSE BILL NO. 1275, by Representatives Becker, Adams, Cochrane, Hanna, Fischer, Haley and Lux:

AN ACT Relating to health, safety, and welfare of Indians; authorizing retrocession of jurisdiction over Indian lands; and adding new sections to chapter 240, Laws of 1957 and to chapter 37.12 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1276, by Representatives Hanna, Fischer, Deccio, Becker, Peterson, Fortson, Whiteside, Lux, Greengo, Hendricks, Tilly, Haley, Cochrane and Sherman:

AN ACT Relating to probation and sentencing; adding a new section to chapters 9.92 RCW; and adding new sections to chapter 9.95 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1277, by Representatives Fortson, Adams, Cochrane, Tilly, Lux, Hanna, Fischer, Becker and Maxie:

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.

To Committee on Social and Health Services

HOUSE BILL NO. 1278, by Representatives Adams, Becker, Hanna, Fischer and Sherman:

AN ACT Relating to public health; and adding new sections to chapter 70.54 RCW.

To Committee on Social and Health Services

HOUSE BILL NO. 1279, by Representatives Smith (Rick) and Hayner:

AN ACT Relating to attorney's fees and costs; and adding a new section to chapter 4.84 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1280, by Representatives Smith (Rick), Boldt and Hayner:

AN ACT Relating to liens; and adding a new section to chapter 60.04 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1281, by Representatives Cochrane, Boldt and Kilbury:

AN ACT Relating to the judicial retirement system; repealing section 16, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.160; and declaring an emergency.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1282, by Representatives Tilly and Barnes:

AN ACT Relating to victims of crime; and adding a new section to chapter 7.68 RCW.

To Committee on Social and Health Services

HOUSE BILL NO. 1283, by Representatives Cochrane and Becker:

AN ACT Relating to public assistance; and amending section 1, chapter 35, Laws of 1973 1st ex. sess. and RCW 74.08.047.

To Committee on Social and Health Services

HOUSE BILL NO. 1284, by Representatives Smith (Rick), Eikenberry, Hawkins, Hayner, Lee and Polk:

AN ACT Relating to unemployment compensation; and amending section 74, chapter 35, Laws of 1945 as last amended by section 22, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.060.

To Committee on Labor

HOUSE BILL NO. 1285, by Representative Tilly:

AN ACT Relating to probate; amending section 54, chapter 117, Laws of 1974 ex. sess. and RCW 11.02-.090; amending section 4, chapter 117, Laws of 1974 ex. sess. and RCW 11.62.010; creating a new section; and adding a new chapter to Title 11 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1286, by Representative Kilbury:

AN ACT Relating to irrigation districts; amending section 2, chapter 276, Laws of 1961 as last amended by section 1, chapter 89, Laws of 1969 and RCW 87.03.440; and amending section 3, chapter 276, Laws of 1961 and RCW 87.03.441.

To Committee on Agriculture

HOUSE BILL NO. 1287, by Representatives Conner and Fischer:

AN ACT Relating to firemen's relief and pensions; amending section 6, chapter 382, Laws of 1955 as last amended by section 30, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.060; and declaring an emergency.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1288, by Representatives Conner and Eikenberry:

AN ACT Relating to possession and carrying of concealed weapons; amending section 4, chapter 172, Laws of 1935 as amended by section 3, chapter 124, Laws of 1961 and RCW 9.41.040; and amending section 7, chapter 172, Laws of 1935 as last amended by section 2, chapter 302, Laws of 1971 ex. sess.

and RCW 9.41.070.

To Committee on Judiciary

HOUSE BILL NO. 1289, by Representatives Conner, Eikenberry and Tilly:

AN ACT Relating to interception of private conversation; and amending section 1, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.030.

To Committee on Judiciary

HOUSE BILL NO. 1290, by Representative Conner:

AN ACT Relating to controlled substances; and amending section 69.50.505, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.505.

To Committee on Judiciary

HOUSE BILL NO. 1291, by Representatives May and Gaines:

AN ACT Relating to motor vehicles; and amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.030.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1292, by Representatives Hansen, Gaines and Patterson:

AN ACT Relating to vehicle excise tax; amending section 82.44.010, chapter 15, Laws of 1961 as last amended by section 54, chapter 299, Laws of 1971 ex. sess. and RCW 82.44.010; amending section 82.50.010, chapter 15, Laws of 1961 as last amended by section 35, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.010; adding a new section to chapter 82.44 RCW; adding a new section to chapter 82.50 RCW; and providing an effective date.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1293, by Representative May:

AN ACT Relating to minimum wages; and amending section 5, chapter 18, Laws of 1961 ex. sess. and RCW 49.46.025.

To Committee on Labor

HOUSE BILL NO. 1294, by Representative May:

AN ACT Relating to public transportation funding; and 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.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1295, by Representatives Sommers, Pardini, Hurley (Margaret), Paris and Williams (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.

To Committee on State Government

HOUSE BILL NO. 1296, by Representatives Randall, Pardini, Sommers, Hurley (Margaret), Polk, Paris, Hayner and Gaines (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.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1297, by Representatives Kilbury, Brown, Cochrane and Douthwaite:

AN ACT Relating to libraries; and adding a new chapter to Title 27 RCW.

To Committee on State Government

HOUSE BILL NO. 1298, by Representatives Sommers, Pardini, Hurley (Margaret) and Paris:

AN ACT Relating to historic preservation; and adding a new section to chapter 19, Laws of 1967 ex. sess. and to chapter 43.51 RCW.

To Committee on State Government

HOUSE BILL NO. 1299, by Representatives Sommers, Pardini, Hurley (Margaret), Polk, Paris, Hayner, Williams and Gaines (by Parks and Recreation Commission request):

AN ACT Relating to historic properties; and adding a new section to chapter 19.27 RCW.

To Committee on State Government

HOUSE BILL NO. 1300, by Representatives Randall, Pardini, Sommers, Hurley (Margaret), Polk, Paris, Hayner and Gaines (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.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1301, by Representatives Bauer, Douthwaite, Hawkins, Kilbury, Sommers and Zimmerman:

AN ACT Relating to thermal insulation standards for new residential occupancy construction; amending section 3, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.030; amending section 3, chapter 96, Laws of 1974 ex. sess. as amended by section 8, chapter 110, Laws of 1975 1st ex. sess. and RCW 19.27.030; adding new sections to chapter 96, Laws of 1974 ex. sess. and to chapter 19.27 RCW; and prescribing an effective date.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1302, by Representatives Bauer and Fischer:

AN ACT Relating to victims of hemophilia; creating new sections; making an appropriation; and declaring an emergency.

To Committee on Social and Health Services

HOUSE BILL NO. 1303, by Representative Parker:

AN ACT Relating to handicapped persons; amending section 3, chapter 32, Laws of 1969 as amended by section 110, chapter 81, Laws of 1971 and RCW 43.19.190; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; and adding new sections to chapter 49.60 RCW.

To Committee on Social and Health Services

HOUSE BILL NO. 1304, by Representatives Smith (Rick) and Hayner:

An ACT Relating to financial responsibility; amending section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090; amending section 26, chapter 169, Laws of 1963 as amended by section 2, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.260; amending section 39, chapter 169, Laws of 1963 as amended by section 3, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.390; amending section 49, chapter 169, Laws of 1963 as amended by section 4, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.490; and amending section 55, chapter 169, Laws of 1963 as amended by section 5, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.550.

To Committee on Financial Institutions

HOUSE BILL NO. 1305, by Representatives Smith (Rick), Charnley, Douthwaite, Ehlers, Eikenberry, Hawkins and Tilly:

AN ACT Relating to campaign funds; 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; and adding a new section to chapter 42.17 RCW.

To Committee on Constitution and Elections

HOUSE BILL NO. 1306, by Representative Smith (Rick):

AN ACT Relating to registration of contractors; and amending section 3, chapter 77, Laws of 1963 as amended by section 3, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.030.

To Committee on Commerce

HOUSE BILL NO. 1307, by Representative Smith (Rick):

AN ACT Relating to registration of contractors; and amending section 3, chapter 77, Laws of 1963 as amended by section 3, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.030.

AN ACT Relating to garnishment; and amending section 28, chapter 264, Laws of 1969 ex. sess. as last amended by section 1, chapter 6, Laws of 1971 and RCW 7.33.280.

To Committee on Judiciary

HOUSE BILL NO. 1308, by Representatives Randall and Kuehnlé:

AN ACT Relating to state and local government; providing for the guarantee of waste disposal facilities bonds in remote recreational areas; authorizing the issuance of general obligation bonds; and adding a new chapter to Title 43 RCW.

To Committee on Ecology

HOUSE BILL NO. 1309, by Representative Fischer:

AN ACT Relating to the practice of pharmacy; providing for pharmacy technicians and the licensing thereof; creating a new chapter in Title 18 RCW; and prescribing penalties.

To Committee on Commerce

HOUSE BILL NO. 1310, by Representative Randall (by Department of Revenue request):

AN ACT Relating to revenue and taxation; repealing section 8, chapter 288, Laws of 1971 ex. sess., section 100, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.48.085; and declaring an emergency.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1311, by Representative Randall (by Department of Revenue request):

AN ACT Relating to property taxes; amending section 84.08.030, chapter 15, Laws of 1961 as amended by section 30, chapter 149, Laws of 1967 ex. sess. and RCW 84.08.030; and declaring an emergency.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1312, by Representatives Fortson, Fischer and Maxie:

AN ACT Relating to senior citizens; adding a new chapter to Title 74 RCW; and making an appropriation.

To Committee on Social and Health Services

HOUSE BILL NO. 1313, by Representatives Ehlers, Shinpoch, Bagnariol and Zimmerman:

AN ACT Relating to state government; adding new sections to chapter 43.105 RCW; and prescribing an effective date.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1314, by Representative Bauer:

AN ACT Relating to education; and amending section 28A.58.101, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 254, Laws of 1975 1st ex. sess. and RCW 28A.58.101.

To Committee on Education

HOUSE BILL NO. 1315, by Representatives Thompson and Amen:

AN ACT Relating to educational service districts; creating new sections; adding a new section to chapter 28A.21 RCW; declaring an emergency and making an effective date.

To Committee on Education

HOUSE BILL NO. 1316, by Representatives Fortson, Bauer, Fischer and Maxie:

AN ACT Relating to senior citizens; making an appropriation; and adding a new chapter to Title 74 RCW.

To Committee on Social and Health Services

HOUSE BILL NO. 1317, by Representatives Moreau, Wojahn and Zimmerman:

AN ACT Relating to higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; creating new sections; declaring an emergency; and providing for the termination of the act's provisions.

To Committee on Higher Education

HOUSE BILL NO. 1318, by Representatives Moreau, Wojahn and Zimmerman:

AN ACT Relating to community colleges; amending section 187, chapter 269, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency.

To Committee on Higher Education

HOUSE BILL NO. 1319, by Representatives King and Cochrane:

AN ACT Relating to labor regulations; and amending section 17, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.185.

To Committee on Labor

HOUSE BILL NO. 1320, by Representative Martinis:

AN ACT Relating to food fish and shellfish; amending section 75.28.110, chapter 12, Laws of 1955 as last amended by section 2, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.110; amending section 75.28.120, chapter 12, Laws of 1955 as last amended by section 3, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.120; amending section 75.28.130, chapter 12, Laws of 1955 as last amended by section 7, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.130; and repealing section 75.28.230, chapter 12, Laws of 1955, section 21, chapter 309, Laws of 1959, section 13, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.230.

To Committee on Natural Resources

HOUSE BILL NO. 1321, by Representatives Brown and Erickson:

AN ACT Relating to the public disclosure commission; amending section 35, chapter 1, Laws of 1973 as amended by section 23, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.350; and adding a new section to chapter 1, Laws of 1973 and to chapter 42.17 RCW.

To Committee on Constitution and Elections

HOUSE BILL NO. 1322, by Representatives Douthwaite and Lux:

AN ACT Relating to the regulation of exclusive or preferential use of a highway facility; adding a new section to chapter 46.61 RCW; and declaring an emergency.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1323, by Representatives Fortson and Fischer:

AN ACT Relating to controlled substances; amending section 69.50.401, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.401; amending section 69.50.408, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.408; repealing section 2, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.410; and prescribing penalties.

To Committee on Judiciary

HOUSE BILL NO. 1324, by Representative Douthwaite:

AN ACT Relating to emergency public works of a first class city; and amending section 1, chapter 56, Laws of 1975 1st ex. sess. and RCW 35.22.620.

To Committee on Local Government

HOUSE BILL NO. 1325, by Representative Douthwaite:

AN ACT Relating to public works; and adding new sections to chapter 39.04 RCW.

To Committee on Local Government

HOUSE BILL NO. 1326, by Representative Martinis:

AN ACT Relating to food fish and shellfish; amending section 75.08.190, chapter 12, Laws of 1955 and RCW 75.08.190; amending section 75.08.260, chapter 12, Laws of 1955 and RCW 75.08.260; amending section 75.28.010, chapter 12, Laws of 1955 as amended by section 2, chapter 309, Laws of 1959 and RCW 75.28.010; amending section 1, chapter 171, Laws of 1957 as amended by section 2, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.012; amending section 3, chapter 171, Laws of 1957 as last amended by section 1, chapter 57, Laws of 1965 ex. sess. and RCW 75.28.014; amending section 75.28.020, chapter 12, Laws of 1955 as amended by section 1, chapter 171, Laws of 1963 and RCW 75.28.020; amending section 75.28.040, chapter 12, Laws of 1955 as amended by section 2, chapter 212, Laws of 1955 and RCW 75.28.040; amending section 12, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.375; amending section 75.28.380, chapter 12, Laws of 1955 as amended by section 5, chapter 171, Laws of 1957 and RCW 75.28.380; defining crimes; and prescribing penalties.

To Committee on Natural Resources

HOUSE BILL NO. 1327, by Representative Martinis:

AN ACT Relating to food fish and shellfish; and amending section 75.40.050, chapter 12, Laws of 1955 and RCW 75.40.050.

To Committee on Natural Resources

HOUSE BILL NO. 1328, by Representatives King, Brown, Erickson, Lysen and Charnley:

AN ACT Relating to a state constitutional convention; creating new sections; making an appropriation; and providing effective and expiration dates.

To Committee on Constitution and Elections

HOUSE BILL NO. 1329, by Representatives Lysen, Erickson and Brown:

AN ACT Relating to public disclosure; amending section 29.18.040, chapter 9, Laws of 1965 and RCW 29.18.040; 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 13, chapter 1, Laws of 1973 and RCW 42.17.130; amending section 42, chapter 1, Laws of 1973 and RCW 42.17.420; adding new sections to chapter 1, Laws of 1973 and to chapter 42.17 RCW; prescribing penalties; and declaring an emergency.

To Committee on Constitution and Elections

HOUSE BILL NO. 1330, by Representatives Fortson and Hawkins:

AN ACT Relating to elections; amending section 29.04.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 165, Laws of 1973 1st ex. sess. and RCW 29.04.030; amending section 29.65.010, chapter 9, Laws of 1965 and RCW 29.65.010; amending section 29.65.055, chapter 9, Laws of 1965 and RCW 29.65.055; repealing section 29.65.030, chapter 9, Laws of 1965, section 30, chapter 109, Laws of 1967 ex. sess. and RCW 29.65.030; and repealing section 29.65.130, chapter 9, Laws of 1965, section 77, chapter 81, Laws of 1971 and RCW 29.65.130.

To Committee on Constitution and Elections

HOUSE BILL NO. 1331, by Representatives King, Fortson, Hawkins and Cochrane:

AN ACT Relating to elections; amending section 29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; amending section 29.07.095, chapter 9, Laws of 1965 as last amended by section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095; amending section 29.07.105, chapter 9, Laws of 1965 as amended by section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105; amending section 29.10.040, chapter 9, Laws of 1965 as amended by section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040; amending section 29.85.200, chapter 9, Laws of 1965 and RCW 29.85.200; creating new sections; adding new sections to Title 29 RCW as a new chapter thereof; adding a new section to chapter 29.07 RCW; repealing section 29.62.150, chapter 9, Laws of 1965, section 44, chapter 202, Laws of 1971 ex. sess. and RCW 29.62.150; declaring an effective date; and providing penalties.

To Committee on Constitution and Elections

HOUSE BILL NO. 1332, by Representatives Lysen, Erickson and King:

AN ACT Relating to campaign advertising; and amending section 11, chapter 1, Laws of 1973 and RCW 42.17.110.

To Committee on Constitution and Elections

HOUSE BILL NO. 1333, by Representative Martinis:

AN ACT Relating to food fish and shellfish; and amending section 75.08.100, chapter 12, Laws of 1955 and RCW 75.08.100.

To Committee on Natural Resources

HOUSE BILL NO. 1334, by Representative Martinis:

AN ACT Relating to food fish and shellfish; amending section 3, chapter 112, Laws of 1949 as amended by section 1, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.08.012; amending section 75.08.020, chapter 12, Laws of 1955 and RCW 75.08.020; amending section 75.08.150, chapter 12, Laws of 1955 and RCW 75.08.150; and declaring an emergency.

To Committee on Natural Resources

HOUSE BILL NO. 1335, by Representatives King, Matthews, Douthwaite, Savage, Charnley, Cochrane, Fischer, Moreau, Peterson, Williams and Wojahn:

AN ACT Relating to labor relations; amending section 4, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.020; adding a new chapter to Title 41 RCW; repealing section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010; repealing section 2, chapter 196, Laws of 1971 ex. sess., section 1, chapter 205, Laws of 1973 1st ex. sess., section 12, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.020; repealing section 3, chapter 196, Laws of 1971 ex. sess., section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030; repealing section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035; repealing section 4, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.050; repealing section 5, chapter 196, Laws of 1971 ex. sess., section 3, chapter 205, Laws of 1973 1st ex.

sess., section 13, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.060; repealing section 6, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.070; repealing section 7, chapter 196, Laws of 1971 ex. sess., section 5, chapter 205, Laws of 1973 1st ex. sess., section 14, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.080; repealing section 8, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.090; repealing section 9, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.100; repealing section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200; repealing section 5, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.040; and repealing section 6, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.050.

To Committee on Labor

HOUSE BILL NO. 1336, by Representatives Nelson, Sommers, Ehlers, Bender, Leckenby, Becker, Dunlap, Freeman, Hayner and Polk:

AN ACT Relating to state government; amending section 7, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.070; amending section 10, chapter 169, Laws of 1935 as amended by section 2, chapter 117, Laws of 1965 ex. sess. and RCW 19.28.060; amending section 5, chapter 207, Laws of 1963 as amended by section 1, chapter 71, Laws of 1969 ex. sess. and RCW 19.28.065; amending section 8, chapter 169, Laws of 1935 as last amended by section 2, chapter 129, Laws of 1971 ex. sess. and RCW 19.28.210; amending section 2, chapter 169, Laws of 1935 and RCW 19.28.260; amending section 13, chapter 169, Laws of 1935 and RCW 19.28.300; amending section 7, chapter 169, Laws of 1935 and RCW 19.28.310; amending section 10, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.430; amending section 24, chapter 207, Laws of 1961 and RCW 70.98.210; amending section 3, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.030; adding a new section to chapter 43.22 RCW; adding a new section to chapter 72.41 RCW; adding a new section to chapter 72.42 RCW; creating new sections; repealing section 12, chapter 169, Laws of 1935 and RCW 19.28.270; repealing section 5, chapter 178, Laws of 1951, section 6, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.040; repealing section 43.22.160, chapter 8, Laws of 1965, section 80, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.160; repealing section 43.22.170, chapter 8, Laws of 1965, section 81, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.170; repealing section 3, chapter 229, Laws of 1969 ex. sess., section 9, chapter 27, Laws of 1970 ex. sess., section 1, chapter 82, Laws of 1971 ex. sess. and RCW 43.22.420; repealing section 6, chapter 44, Laws of 1970 ex. sess., section 4, chapter 22, Laws of 1973 1st ex. sess. and RCW 43.22.475; repealing section 43.32.010, chapter 8, Laws of 1965, section 6, chapter 85, Laws of 1971 ex. sess. and RCW 43.32.010; repealing section 43.32.020, chapter 8, Laws of 1965 and RCW 43.32.020; repealing section 46.48.190, chapter 12, Laws of 1961 and RCW 46.48.190; repealing section 27, chapter 271, Laws of 1969 ex. sess., section 9, chapter 85, Laws of 1971 ex. sess. and RCW 58.17.260; 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; repealing section 2, chapter 75, Laws of 1965 and RCW 71.16.020; repealing section 3, chapter 75, Laws of 1965 and RCW 71.16.030; repealing section 4, chapter 75, Laws of 1965 and RCW 71.16.040; repealing section 1, chapter 203, Laws of 1969 ex. sess., section 1, chapter 87, Laws of 1971 ex. sess. and RCW 74.32.100; repealing section 2, chapter 203, Laws of 1969 ex. sess. and RCW 74.32.110; repealing section 3, chapter 203, Laws of 1969 ex. sess. and RCW 74.32.120; repealing section 4, chapter 203, Laws of 1969 ex. sess., section 2, chapter 87, Laws of 1971 ex. sess. and RCW 74.32.130; repealing section 1, chapter 298, Laws of 1971 ex. sess. and RCW 74.32.140; repealing section 2, chapter 298, Laws of 1971 ex. sess. and RCW 74.32.150; repealing section 3, chapter 298, Laws of 1971 ex. sess. and RCW 74.32.160; repealing section 4, chapter 298, Laws of 1971 ex. sess. and RCW 74.32.170; repealing section 5, chapter 298, Laws of 1971 ex. sess. and RCW 74.32.180; repealing section 1, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.010; repealing section 2, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.020; repealing section 3, chapter 123, Laws of 1965 ex. sess., section 1, chapter 36, Laws of 1967 and RCW 91.12.030; repealing section 4, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.040; repealing section 5, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.050; and repealing section 6, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.060.

To Committee on State Government

HOUSE BILL NO. 1337, by Representatives Sommers and Moon:

AN ACT Relating to criminal offender record information; and amending section 3, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.710.

To Committee on State Government

HOUSE BILL NO. 1338, by Representative Tilly:

AN ACT Relating to game and game fish; and amending section 77.04.040, chapter 36, Laws of 1955 and RCW 77.04.040.

To Committee on State Government

HOUSE BILL NO. 1339, by Representatives Hanna and Smith (Rick):

AN ACT Relating to prostitution; amending section 9A.88.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.88.030; defining a crime; and prescribing a penalty.

To Committee on Judiciary

HOUSE BILL NO. 1340, by Representative Smith (Rick):

AN ACT Relating to traffic laws; amending section 2, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.010; amending section 46.64.015, chapter 12, Laws of 1961 as last amended by section 1, chapter 56, Laws of 1975 and RCW 46.64.015; amending section 46.64.050, chapter 12, Laws of 1961 and RCW 46.64.050; providing penalties; and declaring an emergency.

To Committee on Judiciary

HOUSE BILL NO. 1341, by Representative Smith (Rick):

AN ACT Relating to probate; amending section 11.16.083, chapter 145, Laws of 1965 and RCW 11.16.083; amending section 11.20.020, chapter 145, Laws of 1965 as last amended by section 27, chapter 117, Laws of 1974 ex. sess. and RCW 11.20.020; amending section 11.20.090, chapter 145, Laws of 1965 and RCW 11.20.090; amending section 11.28.110, chapter 145, Laws of 1965 as amended by section 29, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.110; amending section 46, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.185; amending section 11.28.237, chapter 145, Laws of 1965 as last amended by section 30, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.237; amending section 32, chapter 117, Laws of 1974 ex. sess. and RCW 11.28.340; amending section 11.40.030, chapter 145, Laws of 1965 as amended by section 35, chapter 117, Laws of 1974 ex. sess. and RCW 11.40.030; amending section 11.52.012, chapter 145, Laws of 1965 as amended by section 8, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.012; amending section 11.52.022, chapter 145, Laws of 1965 as last amended by section 10, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.022; amending section 4, chapter 117, Laws of 1974 ex. sess. and RCW 11.62.010; amending section 5, chapter 117, Laws of 1974 ex. sess. and RCW 11.62.020; amending section 11.64.002, chapter 145, Laws of 1965 and RCW 11.64.002; amending section 11.64.008, chapter 145, Laws of 1965 and RCW 11.64.008; amending section 11.64.016, chapter 145, Laws of 1965 and RCW 11.64.016; amending section 11.64.022, chapter 145, Laws of 1965 and RCW 11.64.022; amending section 11.64.030, chapter 145, Laws of 1965 and RCW 11.64.030; amending section 11.68.010, chapter 145, Laws of 1965 as last amended by section 13, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.010; amending section 11.68.030, chapter 145, Laws of 1965 as amended by section 15, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.030; amending section 11.68.040, chapter 145, Laws of 1965 as amended by section 16, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.040; amending section 17, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.050; amending section 18, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.060; amending section 19, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.070; amending section 20, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.080; amending section 22, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.100; amending section 23, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.110; amending section 53, chapter 117, Laws of 1974 ex. sess. and RCW 11.94.020; amending section 30.20.020, chapter 33, Laws of 1955 as last amended by section 39, chapter 117, Laws of 1974 ex. sess. and RCW 30.20.020; adding a new section to chapter 11.62 RCW; and repealing section 11.76.140, chapter 145, Laws of 1965 and RCW 11.76.140.

To Committee on Judiciary

HOUSE BILL NO. 1342, by Representatives Tilly, Hayner and Barnes:

AN ACT Relating to criminal procedure; and adding new sections to chapter 10.01 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1343, by Representatives Thompson, Newhouse, Curtis, Blair, Schumaker, Clemente, Douthwaite, and Erickson:

AN ACT Relating to salaries of elected officials; and 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.

To Committee on State Government

HOUSE BILL NO. 1344, by Representatives Cochrane, Haussler, Blair, Charnley, Lee, Lux, Bender, Zimmerman, Chandler, Bauer, Boldt, Eng, Kilbury and Paris:

AN ACT Relating to fire protection; and adding a new section to chapter 19.27 RCW.

To Committee on Local Government

HOUSE BILL NO. 1345, by Representatives Bauer, Bender and Ehlers:

AN ACT Relating to education and apportionment of school funds; providing for "the priority program of education act of 1976"; 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; creating new sections; 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 chapter 28A.03 RCW; repealing section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; and making effective dates.

To Committee on Education

HOUSE BILL NO. 1346, by Representatives Conner, Adams, Haussler, Bender, Ceccarelli, Clemente, Gaines, McCormick, Warnke, May and Wojahn (by State Treasurer 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.

To Committee on State Government

HOUSE BILL NO. 1347, by Representative Smith (Rick):

AN ACT Relating to the Washington Criminal Code; amending section 9A.36.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.020; amending section 9A.48.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.010; amending section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.010; amending section 9A.56.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.020; amending section 9A.56.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.110; amending section 9A.56.180, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.180; amending section 9A.60.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.010; amending section 9A.60.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.020; amending section 9A.60.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.030; amending section 9A.60.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.050; amending section 9A.72.060, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.060; amending section 9A.80.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.80.010; reenacting section 4, chapter 241, Laws of 1955 and RCW 9.94.040; and providing an effective date.

To Committee on Judiciary

HOUSE BILL NO. 1348, by Representatives Bagnariol, Flanagan and Polk (by Executive request):

AN ACT Relating to 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 71, 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); making other appropriations; and declaring an emergency.

To Committee on Ways and Means - Appropriations

HOUSE JOINT RESOLUTION NO. 63, by Representatives Haussler and Lee:

Amending county "home rule" authority.

To Committee on Local Government

HOUSE JOINT RESOLUTION NO. 64, by Representatives Haussler and Lee:

Establishing alternate methods for the framing of county "home rule" charters.

To Committee on Local Government

HOUSE JOINT RESOLUTION NO. 65, by Representatives Randall, Pardini, Sommers, Hurley (Margaret), Polk, Paris and Hayner (by Parks and Recreation Commission request):

Amending the Constitution to permit current use assessment of designated historic sites and improvements thereon.

To Committee on State Government

HOUSE JOINT RESOLUTION NO. 66, by Representatives Kalich, North, Adams, Bauer, Bausch, Charnley, Douthwaite, Dunlap, 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.

To Committee on Ways and Means - Revenue

HOUSE JOINT RESOLUTION NO. 67, by Representatives Sommers and Bender:

Amending the Constitution to authorize the expenditure of public funds for public purposes.

To Committee on Constitution and Elections

HOUSE CONCURRENT RESOLUTION NO. 41, by Representatives Kilbury, Boldt, Amen, Deccio, Tilly and Laughlin:

Supporting WSU agricultural research center.

To Committee on Rules

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

Recommending a 200 mile fishing limit.

To Committee on Natural Resources

MOTION

On motion of Mr. Thompson, all bills listed on today's agenda were ordered referred to the committees designated.

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "Mr. Speaker, the last bill mentioned under the fourth order of business is a Senate Joint Memorial and I would take it that would be involved in Mr. Thompson's motion. I don't understand how, under our rules, we can have this memorial here."

The Speaker: "It is my understanding that the bills which were covered by the resolution we passed were bills that referred to the first extraordinary session. Bills in regard to the second extraordinary session were not covered by the original cut-off date and therefore they are before us. This happens to be one of those that came over prior to our recessing and was on the desk, but we did not have an opportunity to read it in before we recessed."

Mr. Newhouse: "You are saying then that this was introduced during the September session and came over during that session and is still in this session?"

The Speaker: "That is my understanding."

REPORTS OF STANDING COMMITTEES

December 12, 1975

HOUSE BILL NO. 676, Prime Sponsor: Representative Conner, providing exemptions to shoreline management requirements. Reported by Committee on Ecology.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Luders, Chairman; Valle, Vice Chairwoman; Bauer, Becker, Charnley, Douthwaite, Hansen, Hawkins, Zimmerman.

To Committee on Rules for second reading.

December 13, 1975

HOUSE BILL NO. 769, Prime Sponsor: Representative Newhouse, permitting domestic wineries to wholesale their own product. Reported by Committee on Commerce.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Warnke, Chairman; Jastad, Vice Chairman; Ceccarelli, Gaines, Greengo, O'Brien, Wojahn.

To Committee on Rules for second reading.

December 13, 1975

HOUSE BILL NO. 771, Prime Sponsor: Representative Newhouse, permitting wine tasting at wineries. Reported by Committee on Commerce.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Warnke, Chairman; Jastad, Vice Chairman; Ceccarelli, Gaines, Greengo, Kuehne, O'Brien, Wojahn.

To Committee on Rules for second reading.

September 5, 1975

HOUSE BILL NO. 1238, Prime Sponsor: Representative Perry, making an appropriation for mass transit assistance. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Perry, Chairman; Barnes, Berentson, Ceccarelli, Chandler, Charnley, Conner, Gallagher, Hansen, Kalich, Laughlin, Leckenby, Martinis, McCormick, Patterson, Seeberger.

To Committee on Rules for second reading.

COMMITTEE APPOINTMENTS

The Speaker appointed Representative Bausch to the Legislative Budget Committee to replace ex-Representative Chatalas; Representative Luders to the Rules Committee to replace Mr. Chatalas; Representative Valle to the Ecology Committee to replace Representative Luders; Representative Lux to the Ecology Committee to replace Mr. Chatalas; and Representative Lux to Committee on Financial Institutions to replace Mr. Chatalas.

The Speaker called on Mr. O'Brien to preside.

THIRD READING

HOUSE BILL NO. 38, by Representatives King, Bender, Erickson and Gaines (by request of Committee on Constitutions and Elections of the 43rd Legislature):

Implementing law relating to recall of public officials.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 38, and the bill passed the House by the following vote: Yeas, 90; nays, 1; not voting 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehne, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representative Eikenberry.

Not voting: Representatives Haley, Hansen, Jueling, Laughlin, Nelson, Parker, Smith R..

House Bill No. 38, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 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 bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 75, and the bill passed the House by the following vote: Yeas, 61; nays, 33; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon,

Moreau, North, O'Brien, Parker, Perry, Randall, Savage, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Hansey, Hayner, Hendricks, Jueling, Kuehnle, Leckenby, Lee, Matthews, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Boldt, Haley, Laughlin, Nelson.

Substitute House Bill No. 75, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

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 Francis, Clarke, Bottiger and Buffington 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."

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 national 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-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 for 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 seven 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 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 citizens 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% to 2.72%, 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 mail-back 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 traditionally 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% to 5% and raising the state's business and occupation tax from 0.44% to 0.52% or 18% for basic industry and from 1.0% to 1.18% 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 be 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 House resumed its session.

THIRD READING

ENGROSSED HOUSE BILL NO. 76, by Representatives Fortson, Lysen, Chandler and Erickson:

Providing a deputy registrar in each public school.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 76, and the bill passed the House by the following vote: Yeas, 65; nays, 29; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Haley, Hanna, Hansen, Hawkins, Hurley G. S., Hurley M., Kalich, Kilbury, King, Knowles, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Randall, Savage, Seeberger, Sherman, Shipnosh, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Berentson, Blair, Bond, Brown, Curtis, Deccio, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Hansey, Haussler, Hayner, Hendricks, Jastad, Jueling, Kuehne, Matthews, Newhouse, Pardini, Paris, Peterson, Polk, Schumaker, Tilly, Whiteside, Zimmerman.

Not voting: Representatives Laughlin, Nelson, Patterson, Wilson.

Engrossed House Bill No. 76, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 77, by Committee on Constitution and Elections (Originally sponsored by Representatives King, Brown and Chandler):

Implementing the law relating to elections generally.

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

Mr. Hurley (George) spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 77, and the bill passed the House by the following vote: Yeas, 85; nays, 10; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis,

Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hawkins, Hayner, Hendricks, Hurley M., Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moreau, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Polk, Randall, Savage, Seeberger, Sherman, Shipnepoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Barnes, Bond, Haussler, Hurley G. S., Jastad, Moon, Newhouse, Peterson, Schumaker, Zimmerman.

Not voting: Representatives Laughlin, Nelson, Williams.

Substitute House Bill No. 77, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 140, and the bill passed the House by the following vote: Yeas, 69; nays, 27; not voting, 2.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Lee, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, Paris, Parker, Perry, Randall, Savage, Seeberger, Sherman, Shipnepoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Bond, Chandler, Deccio, Dunlap, Eikenberry, Freeman, Gilleland, Haley, Hendricks, Hurley G. S., Jueling, Kuehnle, Leckenby, Matthews, Newhouse, O'Brien, Pardini, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Laughlin, Nelson.

Engrossed House Bill No. 140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 156, and the bill passed the House by the following vote: Yeas, 91; nays, 5; not voting, 2.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Sherman, Shipnepoch, Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Berentson, Charette, Fortson, Hansey, Smith E. P.

Not voting: Representatives Laughlin, Nelson.

Engrossed House Bill No. 156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 187, and the bill passed the House by the following vote: Yeas, 94; nays, 1; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehne, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representative Ehlers.

Not voting: Representatives Laughlin, Nelson, Zimmerman.

Engrossed House Bill No. 187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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 of directors thereunder.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 231, and the bill passed the House by the following vote: Yeas, 64; nays, 29; not voting, 5.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Hanna, Haussler, Hawkins, Hurley G. S., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehne, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Paris, Parker, Perry, Randall, Savage, Sherman, Shipoch, Smith E.-P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Bond, Cochran, Deccio, Eikenberry, Flanagan, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Leckenby, Lee, Luders, Matthews, Newhouse, Pardini, Patterson, Peterson, Polk, Schumaker, Seeberger, Tilly, Whiteside.

Not voting: Representatives Dunlap, Freeman, Laughlin, Nelson, Zimmerman.

Engrossed House Bill No. 231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

We wish to have the record show that we voted "Nay" on Engrossed House Bill No. 231.

RON DUNLAP, 41st District.

KEMPER FREEMAN, 48th District.

ENGROSSED HOUSE BILL NO. 245, by Representatives Charette, Moon, Smith (Edward) and Randall:

Prohibiting county assessors from engaging in private appraising.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 245, and the bill passed the House by the following vote: Yeas, 83; nays, 13; not voting, 2.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Dunlap, Ehlers, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Maxie, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Patterson, Perry, Peterson, Randall, Savage, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Curtis, Douthwaite, Eikenberry, Flanagan, Gallagher, Kuehnle, Matthews, May, Newhouse, Pardini, Paris, Polk, Zimmerman.

Not voting: Representatives Laughlin, Nelson.

Engrossed House Bill No. 245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 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.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 281, and the bill passed the House by the following vote: Yeas, 96; nays, 0; not voting, 2.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Laughlin, Nelson.

Engrossed House Bill No. 281, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 284, (by Representatives Hanna and Adams by Department of Social and Health Services request):

Authorizing increased payment for juvenile probation supervision.

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

MOTION

On motion of Mr. Thompson, further action on House Bill No. 284 was deferred, and the bill was ordered placed on Wednesday's third reading calendar.

SUBSTITUTE HOUSE BILL NO. 296, by Committee on Social and Health Services (Originally sponsored by Representative Sommers - by Department of Social and Health Services request):

Increasing petty cash account limit.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 296, and the bill passed the House by the following vote: Yeas, 95; nays, 0; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall,

Savage, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Chandler, Laughlin, Nelson.

Substitute House Bill No. 296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 304, by Representatives Ceccarelli and Pardini:

Prohibiting certain mortgage reserve accounts.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 304, and the bill passed the House by the following vote: Yeas, 82; nays, 12; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bender, Berentson, Blair, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Conner, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Leckenby, Lee, Luders, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moreau, Newhouse, North, O'Brien, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Bausch, Becker, Boldt, Cochrane, Ehlers, Hawkins, Hurley G. S., Lysen, Moon, Pardini, Sherman, Williams.

Not voting: Representatives Chandler, Laughlin, Nelson, Zimmerman.

Engrossed House Bill No. 304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

January 12, 1976

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 42,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced that he was about to sign:

HOUSE CONCURRENT RESOLUTION NO. 42.

THIRD READING

ENGROSSED HOUSE BILL NO. 331, by Representatives Sommers, Nelson, Randall, Erickson, Smith (Rick) and Kraabel:

Defining the term adopted child for inheritance tax purposes.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 331, and the bill passed the House by the following vote: Yeas, 85; nays, 11; not voting, 2.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Randall, Savage, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Curtis, Dunlap, Eikenberry, Flanagan, Hansen, Hansey, Kuehnle, Matthews, Polk, Schumaker, Zimmerman.

Not voting: Representatives Laughlin, Nelson.

Engrossed House Bill No. 331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 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.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 342, and the bill passed the House by the following vote: Yeas, 70; nays, 26; not voting, 2.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Hansey, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Lee, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Paris, Parker, Patterson, Perry, Randall, Savage, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Bond, Chandler, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hayner, Hendricks, Jueling, Kuehnie, Leckenby, Matthews, Newhouse, Pardini, Peterson, Polk, Schumaker, Tilly, Whiteside, Zimmerman.

Not voting: Representatives Laughlin, Nelson.

Substitute House Bill No. 342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 397, by Representative Cochrane:

Specifying form of notice and result of election for change of location of county seat.

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

MOTION

On motion of Mr. Thompson, House Bill No. 397 was rereferred to Committee on Rules.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 401, by Committee on Social and Health Services (Originally sponsored by Representatives Paris, Shipoch, Chandler, Adams, Parker, Fortson, Bond and Deccio):

Adding new provisions to laws relating to burial.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 401, and the bill passed the House by the following vote: Yeas, 91; nays, 5; not voting, 2.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnie, Leckenby, Lee, Luders, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Dunlap, Erickson, Gallagher, Jueling, Martinis.

Not voting: Representatives Laughlin, Nelson.

Engrossed Substitute House Bill No. 401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 430, by Representatives Wojahn and Pardini:

Prescribing requirements and procedures for award of professional services contracts.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 430, and the bill passed the House by the following vote: Yeas, 95; nays, 0; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Leckenby, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Laughlin, Lee, Nelson.

Engrossed House Bill No. 430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 441, by Representatives Thompson and Zimmerman:

Amending the Environmental Coordination Procedures Act of 1973.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 441, and the bill passed the House by the following vote: Yeas, 89; nays, 6; not voting, 3.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Leckenby, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Savage, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Amen, Eikenberry, Gilleland, Lee, Matthews, Schumaker.

Not voting: Representatives Flanagan, Laughlin, Nelson.

Engrossed House Bill No. 441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

January 12, 1976

Mr. Speaker:

The Senate has adopted:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 125,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTIONS

On motion of Mr. Thompson, **ENGROSSED HOUSE BILL NO. 23** and **HOUSE JOINT RESOLUTION NO. 15** were rereferred from the Committee on Rules to Committee on Education.

On motion of Mr. Thompson, **SUBSTITUTE HOUSE BILL NO. 37** was rereferred from Committee on Rules to Committee on Constitution and Elections.

On motion of Mr. Thompson, **SECOND SUBSTITUTE HOUSE BILL NO. 93** was rereferred from Committee on Rules to Committee on Local Government.

On motion of Mr. Thompson, **HOUSE BILL NO. 121** was rereferred from Committee on Rules to Committee on Natural Resources.

On motion of Mr. Thompson, **SUBSTITUTE HOUSE BILL NO. 200**, **HOUSE BILL NO. 781**, **ENGROSSED HOUSE BILL NO. 802** and **HOUSE BILL NO. 1000** were rereferred from Committee on Rules to Committee on Ways and Means - Appropriations.

On motion of Mr. Thompson, **SUBSTITUTE HOUSE BILL NO. 247** was rereferred from Committee on Rules to Committee on Judiciary.

On motion of Mr. Thompson, SUBSTITUTE HOUSE BILL NO. 552 was rereferred from Committee on Rules to Committee on Transportation and Utilities.

On motion of Mr. Thompson, SUBSTITUTE HOUSE BILL NO. 721 was rereferred from Committee on Rules to Committee on Local Government.

On motion of Mr. Charette, the House adjourned until 9:00 a.m., Wednesday, January 14, 1976.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

TENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, January 14, 1976.

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Chandler and Leckenby, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lisa Peterson and John Hinck. Prayer was offered by the Reverend Charles Loyer of Westminster Presbyterian Church of Olympia. Reverend Loyer asked the House to stand in a moment of silent prayer for Representative Charles Savage who died early this morning.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

POINT OF PERSONAL PRIVILEGE

Mr. Conner: "I would like to say a few words about Representative Savage. He has been a source of inspiration to all of us, not only in the last year, knowing of his personal tragedy, but over the years in recognizing the courage of a man who believed in convictions. The only personal gain he ever sought was that for each of the citizens of the state of Washington in equal proportion. One who was far ahead of his time; one who could be called a true liberal in the sense that probably no one here, or at least those who have gone into public life in recent years, could understand; an individual who all of us will be richer because we have had an opportunity to witness his life; an individual who never asked for praise but felt that what he was doing was his duty. I know that all of us are glad that he had the opportunity, on the last day that he was able, to serve in this body and for the people of the state of Washington that he loved so well.

"I'd like to share a verse that I believe typifies the philosophy of Charles Savage, Congressman, State Representative:

I sort of have a feeling that God must have sent you our way.
 He must have known that we would need your help
 As we labored day by day.
 You were always there to help us
 And when the work got rough
 Your words of strength and encouragement
 Made the task not quite so tough.
 God gave to you that rarest gift,
 An understanding heart,
 Gentle, kindly manners,
 Your friendship to impart.
 People can build with steel and iron,
 Pave their way to fame,
 But you have built with friendship and understanding
 A lasting tribute to your name.
 The lives that you've touched and the good that you've done
 Shall never know an end.
 We were pleased to have you
 As a member and a friend."

MESSAGE FROM THE SENATE

January 12, 1976

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 43,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced that he was about to sign:
HOUSE CONCURRENT RESOLUTION NO. 43.

The Speaker called on Mr. O'Brien to preside.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1349, by Representative Seeberger:

AN ACT Relating to public disclosure; and adding a new section to chapter 42.17 RCW.

To Committee on Constitution and Elections.

HOUSE BILL NO. 1350, by Representatives Bender and Gaspard:

AN ACT Relating to education; amending section 28A.67.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.010; amending section 28A.67.035, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.035; amending section 28A.70.005, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.005; creating a new section; and providing penalties.

To Committee on Education

HOUSE BILL NO. 1351, by Representatives Conner and Zimmerman:

AN ACT Relating to education; providing for the enforcement of certain codes relating to school district property and operations; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and providing penalties.

To Committee on Education

HOUSE BILL NO. 1352, by Representative Seeberger:

AN ACT Relating to criminal procedure; amending section 1, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.010; amending section 2, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.020; amending section 3, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.030; and amending section 4, chapter 149, Laws of 1969 ex. sess. and RCW 9.47A.040.

To Committee on Judiciary

HOUSE BILL NO. 1353, by Representatives Hanna, Gallagher, Gaspard, Erickson, Ehlers, Adams, Wojahn, Hawkins, Haley and Parker:

AN ACT Relating to counties; amending section 35.82.020, chapter 7, Laws of 1965 and RCW 35.82.020; and adding a new section to chapter 35.82 RCW.

To Committee on Local Government

HOUSE BILL NO. 1354, by Representatives Ehlers, Polk, Sommers, Leckenby, Hurley (Margaret) and Williams:

AN ACT Relating to state government; and amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150.

To Committee on State Government

HOUSE BILL NO. 1355, by Representatives Sommers and Dunlap (by State Productivity Council request):

AN ACT Relating to state government; implementing the law relating to employee suggestion program; amending section 2, chapter 142, Laws of 1965 ex. sess. as amended by section 4, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.020; amending section 4, chapter 142, Laws of 1965 ex. sess. as amended by section 5, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.040; amending section 5, chapter 142, Laws of 1965 ex. sess. as amended by section 6, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.050; amending section 8, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.070; amending section 7, chapter 142, Laws of 1965 ex. sess. and RCW 41.60.900; creating a new section; making an appropriation; and adding a new section to chapter 41.60 RCW.

To Committee on State Government

HOUSE BILL NO. 1356, by Representatives Charette, Knowles and Seeberger (by Code Revisor's Office request):

AN ACT Relating to education; reenacting section 28A.57.032, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 43, Laws of 1975 and by section 80, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.032; reenacting section 28A.57.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 43, Laws of 1975 and by section 83, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.050; reenacting section 28A.57.140, chapter 223, Laws of 1969 ex. sess. as last

amended by section 1, chapter 43, Laws of 1975 and by section 89, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.140; reenacting section 28A.57.200, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 23, Laws of 1975 1st ex. sess. and by section 94, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.200; reenacting section 28A.57.328, chapter 223, Laws of 1969 ex. sess. as last amended by section 7, chapter 43, Laws of 1975 and by section 101, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.328; reenacting section 4, chapter 67, Laws of 1971 as amended by section 10, chapter 43, Laws of 1975 and by section 103, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.356; reenacting section 5, chapter 67, Laws of 1971 as last amended by section 11, chapter 43, Laws of 1975 and by section 104, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.357; reenacting section 6, chapter 67, Laws of 1971 as last amended by section 12, chapter 43, Laws of 1975 and by section 105, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.358; reenacting section 28A.57.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 43, Laws of 1975 and by section 107, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.415; 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 by section 2, chapter 254, Laws of 1975 1st ex. sess. and RCW 28A.58.137; reenacting section 28A.60.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 15, chapter 43, Laws of 1975 and by section 119, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.60.070; reenacting section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as last amended by section 18, chapter 43, Laws of 1975 and by section 121, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.60.210; reenacting section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 22, chapter 43, Laws of 1975 and by section 122, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.080; reenacting section 28A.65.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 43, Laws of 1975 and by section 123, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.100; reenacting section 28A.65.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 25, chapter 43, Laws of 1975 and by section 125, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.120; reenacting section 28A.65.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 26, chapter 43, Laws of 1975 and by section 126, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.65.150; 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 by section 134, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.110; reenacting section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 192, Laws of 1975 1st ex. sess. and by section 139, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.71.100; repealing section 28A.03.050, chapter 223, Laws of 1969 ex. sess., section 103, chapter 176, Laws of 1969 ex. sess., section 1, chapter 60, Laws of 1975 1st ex. sess., section 48, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.03.050; repealing section 28A.48.050, chapter 223, Laws of 1969 ex. sess., section 110, chapter 176, Laws of 1969 ex. sess., section 3, chapter 66, Laws of 1975 1st ex. sess., section 69, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.050; repealing section 28A.48.090, chapter 223, Laws of 1969 ex. sess., section 113, chapter 176, Laws of 1969 ex. sess., section 36, chapter 43, Laws of 1975, section 72, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.48.090; repealing section 28A.60.186, chapter 223, Laws of 1969 ex. sess., section 36, chapter 48, Laws of 1971, section 39, chapter 282, Laws of 1971 ex. sess., section 36, chapter 43, Laws of 1975, section 120, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.60.186; and declaring an emergency.

To Committee on Judiciary

HOUSE BILL NO. 1357, by Representatives Charette, Knowles and Seeberger (by Code Revisor's Office request):

AN ACT Relating to teachers' retirement; reenacting section 42, chapter 80, Laws of 1947 as last amended by section 32, chapter 43, Laws of 1975 and by section 150, chapter 275, Laws of 1975 1st ex. sess. and RCW 41.32.420; and declaring an emergency.

To Committee on Judiciary

HOUSE BILL NO. 1358, by Representatives Charette, Knowles and Seeberger (by Code Revisor's Office request):

AN ACT Relating to state government; reenacting section 43.09.310, chapter 8, Laws of 1965 as last amended by section 1, chapter 193, Laws of 1975 1st ex. sess. and by section 1, chapter 293, Laws of 1975 1st ex. sess. and RCW 43.09.310; reenacting section 12, chapter 103, Laws of 1973 1st ex. sess. as amended by section 1, chapter 81, Laws of 1975 1st ex. sess. and by section 1, chapter 252, Laws of 1975 1st ex. sess. and RCW 43.84.150; reenacting section 8, chapter 94, Laws of 1974 ex. sess. as amended by section 1, chapter 82, Laws of 1975 1st ex. sess. and by section 1, chapter 103, Laws of 1975 1st ex. sess. and RCW 43.101.080; and declaring an emergency.

To Committee on Judiciary

HOUSE BILL NO. 1359, by Representatives Charette, Knowles and Seeberger (by Code Revisor's Office request):

AN ACT Relating to motor vehicles; reenacting section 46.52.020, chapter 12, Laws of 1961 as last amended by section 14, chapter 62, Laws of 1975 and by section 1, chapter 210, Laws of 1975 1st ex.

sess. and RCW 46.52.020; and declaring an emergency.

To Committee on Judiciary

HOUSE BILL NO. 1360, by Representatives Charette, Knowles and Seeberger (by Code Revisor's Office request):

AN ACT Relating to industrial insurance; reenacting section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 10, chapter 224, Laws of 1975 1st ex. sess. and by section 1, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.073; and declaring an emergency.

To Committee on Judiciary

HOUSE BILL NO. 1361, by Representatives Charette, Knowles and Seeberger (by Code Revisor's Office request):

AN ACT Relating to alcoholic beverages; reenacting section 1, chapter 38, Laws of 1967 as amended by section 2, chapter 173, Laws of 1975 1st ex. sess. and by section 1, chapter 256, Laws of 1975 1st ex. sess. and RCW 66.12.110; and declaring an emergency.

To Committee on Judiciary

HOUSE BILL NO. 1362, by Representatives Hanna, Maxie and Charnley:

AN ACT Relating to local government; authorizing local governments to establish and maintain cultural social service centers and public markets, and undertake activities for arts, crafts, culture, historic preservation, and related projects; adding new sections to chapter 35.21 RCW; and declaring an emergency.

To Committee on Local Government

HOUSE BILL NO. 1363, by Representative Parker:

AN ACT Relating to higher education; creating the Washington postsecondary education assistance authority; adding a new chapter to Title 28B RCW; repealing sections 1 through 21, chapter 120, Laws of 1973 1st ex. sess. and RCW 28B.17.010, 28B.17.020, 28B.17.030, 28B.17.040, 28B.17.050, 28B.17.060, 28B.17.070, 28B.17.080, 28B.17.090, 28B.17.100, 28B.17.110, 28B.17.120, 28B.17.130, 28B.17.140, 28B.17.150, 28B.17.160, 28B.17.170, 28B.17.180, 28B.17.190, 28B.17.200 and 28B.17.210; prescribing penalties; and providing an effective date.

To Committee on Financial Institutions

HOUSE BILL NO. 1364, by Representatives Bauer, Whiteside, Boldt, Ehlers, Dunlap and Warnke:

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 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 amended by section 16, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.490; amending section 10, chapter ... (HB ...), Laws of 1975-'76 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.67 RCW; repealing section 18, chapter 34, Laws of 1969 ex. sess., section 3, chapter 49, Laws of 1973 and RCW 28A.58.515; and declaring an emergency.

To Committee on Education

HOUSE BILL NO. 1365, by Representatives Warnke and Gaines:

AN ACT Relating to intoxicating liquor; amending section 12, chapter 173, Laws of 1975 1st ex. sess. and RCW 66.24.510; and providing an effective date.

To Committee on Commerce

HOUSE BILL NO. 1366, by Representatives North, Chandler, Matthews, Fortson and Sherman:

AN ACT Relating to the preservation of Mount Si; and adding new sections to chapter 43.51 RCW.

To Committee on Parks and Recreation

HOUSE BILL NO. 1367, by Representative Parker:

AN ACT Relating to state government; amending section 32, chapter 269, Laws of 1975 1st ex. sess. (uncodified); adding new sections to chapter 43.19 RCW; making appropriations; and prescribing an effective date.

To Committee on Financial Institutions**HOUSE BILL NO. 1368, by Representatives Shinpoch, Curtis, Bagnariol, Polk, Flanagan, Thompson, Amen and Bausch (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.

To Committee on Education**HOUSE BILL NO. 1369, by Representatives Warnke and Gaines:**

AN ACT Relating to intoxicating liquor; and amending section 23-S-1 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 5, Laws of 1949 as amended by section 1, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.400; and providing an effective date.

To Committee on Commerce**HOUSE BILL NO. 1370, by Representative Peterson:**

AN ACT Relating to higher education; amending section 2, chapter 17, Laws of 1972 ex. sess. as amended by section 2, chapter 63, Laws of 1973 and RCW 28B.10.265; amending section 1, chapter 17, Laws of 1972 ex. sess. as amended by section 1, chapter 63, Laws of 1973 and RCW 28C.04.240; and creating a new section.

To Committee on Higher Education**HOUSE BILL NO. 1371, by Representatives Zimmerman, Pardini, Lee, Wilson, Haussler, Bond and Hayner:**

AN ACT Relating to state government; and creating a new chapter in Title 44 RCW.

To Committee on State Government**HOUSE BILL NO. 1372, by Representatives Charnley, Bender, Sherman, Sommers, Williams, May, Eng, Moon, Fischer, Lux, Lysen, Bagnariol, Hurley (George), Warnke and Bausch:**

AN ACT Relating to retail installment sales; amending section 1, chapter 236, Laws of 1963 as amended by section 1, chapter 47, Laws of 1972 ex. sess. and RCW 63.14.010; and amending section 13, chapter 236, Laws of 1963 as last amended by section 3, chapter 2, Laws of 1969 and RCW 63.14.130.

To Committee on Financial Institutions**HOUSE BILL NO. 1373, by Representatives McCormick, Leckenby, Martinis, Gaines, Lysen, Barnes, Hayner, Charnley and Lee:**

AN ACT Relating to energy facilities siting; 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 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 section; and declaring an emergency.

To Committee on Transportation and Utilities**HOUSE BILL NO. 1374, by Representatives Bagnariol and Martinis:**

AN ACT Relating to mutual savings banks; amending section 32.16.010, chapter 13, Laws of 1955 and RCW 32.16.010; amending section 32.16.040, chapter 13, Laws of 1955 as amended by section 4, chapter 55, Laws of 1969 and RCW 32.16.040; amending section 32.16.070, chapter 13, Laws of 1955 and RCW 32.16.070; and adding a new section to chapter 13, Laws of 1955 and to chapter 32.16

RCW.

To Committee on Financial Institutions

HOUSE BILL NO. 1375, by Representatives Sommers, Zimmerman, Bagnariol and Polk:

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; and providing an effective date.

To Committee on State Government

HOUSE BILL NO. 1376, by Representatives Blair, Warnke, King, Hendricks and Bausch:

AN ACT Relating to lost or destroyed instruments evidencing indebtedness; and amending section 4, chapter 61, Laws of 1965 ex. sess. and RCW 39.72.010.

To Committee on State Government

HOUSE BILL NO. 1377, by Representatives Kalich, Gaines, Chandler and Douthwaite:

AN ACT 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 3, chapter 186, Laws of 1969 ex. sess. and RCW 43.06.220; adding a new chapter to Title 43 RCW; prescribing penalties; and declaring an emergency.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1378, by Representatives Sommers, Moon, Brown, Chandler and Boldt:

AN ACT Relating to revenue and taxation; and amending section 84.36.140, chapter 15, Laws of 1961 as amended by section 2, chapter 30, Laws of 1972 ex. sess. and RCW 84.36.140.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1379, by Representatives Kilbury and Randall:

AN ACT Relating to revenue and taxation; amending section 7, chapter 278, Laws of 1957 as last amended by section 22, chapter 26, Laws of 1967 ex. sess. and RCW 54.28.010; amending section 5, chapter 278, Laws of 1957 as last amended by section 32, chapter 278, Laws of 1975 1st ex. sess. and RCW 54.28.050; amending section 10, chapter 278, Laws of 1957 and RCW 54.28.090; and adding new sections to chapter 54.28 RCW.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1380, by Representatives Randall, Douthwaite and Hurley (Margaret):

AN ACT Relating to vessels and boating; adding a new chapter to Title 88 RCW; declaring an emergency; and providing an effective date.

To Committee on Parks and Recreation

HOUSE BILL NO. 1381, by Representatives Sommers, Bagnariol, Erickson, Blair and Charnley:

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; and adding a new section to chapter 44.04 RCW.

To Committee on State Government

HOUSE JOINT RESOLUTION NO. 68, by Representatives Erickson, Gaspard, Ehlers, Hanna and Parker:

Moving the question of drafting a new county charter back to the primary election, and electing freeholders at the general election.

To Committee on Local Government

HOUSE JOINT RESOLUTION NO. 69, by Representatives Chandler, Erickson, Paris, Curtis, Lee, Matthews and Tilly:

Limiting tenure in a state elective office to twelve years.

To Committee on State Government

MOTION

On motion of Mr. Thompson, all bills, memorials and resolutions listed on today's agenda under fourth order of business were ordered passed to the committees designated.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 125, by Senators Bailey, Walgren, Lewis (Harry) and Matson:

Prescribing cut-off dates.

MOTION

On motion of Mr. Thompson, the rules were suspended, and Engrossed Senate Concurrent Resolution No. 125 was advanced to second reading and read the second time in full.

Mr. Pardini moved adoption of the following amendments:

On page 1, line 16 strike "school funding" and insert "public schools"

On page 1, line 21 strike "school funding" and insert "public schools"

MOTION

On motion of Mr. Thompson, further action on Engrossed Senate Concurrent Resolution No. 125 was deferred, and the bill was ordered placed on the second reading calendar following the third reading of bills.

REPORTS OF STANDING COMMITTEES

December 13, 1975

HOUSE BILL NO. 90, Prime Sponsor: Representative Randall, declaring that fishing derbies are not gambling and removing them from regulation by the gambling commission. Reported by Committee on Commerce.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Warnke, Chairman; Jastad, Vice Chairman; Ceccarelli, Dunlap, Gaines, Greengo, Kuehnle, O'Brien, Wojahn.

To Committee on Rules for second reading.

January 12, 1976

HOUSE BILL NO. 802, Prime Sponsor: Representative Shinpoch, providing uniformity in payment of travel expenses for most state officials and employees. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman, Amen, Bagnariol, Bausch, Blair, Boldt, Charette, Curtis, Ehlers, Freeman, Gaspard, Hansey, Luders, Matthews, McKibbin, Polk, Smith (Edward), Smith (Rick), Valle, Warnke.

To Committee on Rules for second reading.

December 13, 1975

HOUSE BILL NO. 1107, Prime Sponsor: Representative Ceccarelli, authorizing the sale of beer at stadiums. Reported by Committee on Commerce.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Warnke, Chairman; Jastad, Vice Chairman; Ceccarelli, Gaines, Greengo, Kuehnle, O'Brien.

To Committee on Rules for second reading.

November 18, 1975

HOUSE BILL NO. 1237, Prime Sponsor: Representative Whiteside, 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:

On page 1, line 13 strike "five" and insert "six"

On page 2, line 1 of the original bill, being the last line of page 1 of the printed bill, strike "1975" and insert "1976"

Signed by Representatives Bauer, Becker, Cochrane, Eng, Fischer, Fortson, Greengo, Hanna, May, Paris, Peterson, Whiteside.

To Committee on Rules for second reading.

January 13, 1976

HOUSE BILL NO. 1258, Prime Sponsor: Representative Kilbury, defining horses, mules and donkeys as "agricultural products". Reported by Committee on Agriculture.

MAJORITY recommendation: Do pass. Signed by Representatives Kilbury, Chairman; Becker, Vice Chairwoman; Amen, Boldt, Deccio, Flanagan, Hansen, Haussler, Laughlin, Tilly.

To Committee on Rules for second reading.

January 12, 1976

HOUSE BILL NO. 1274, Prime Sponsor: Representative Fortson, establishing geriatric day service program. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Becker, Cochrane, Deccio, Eng, Fischer, Fortson, Hanna, May, Paris, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

January 12, 1976

HOUSE BILL NO. 1277, Prime Sponsor: Representative Fortson, establishing a geriatric health screening program. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman, Becker, Cochrane, Deccio, Eng, Fischer, Fortson, Hanna, May, Paris, Tilly.

To Committee on Rules for second reading.

January 12, 1976

HOUSE BILL NO. 1312, Prime Sponsor: Representative Fortson, expanding the foster grandparent and senior companion program. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 5 after "program" insert ", the retired senior volunteer program."

On page 1, line 21 after "(3)" strike the balance of the subsection and insert "'RSVP' shall mean the retired senior volunteer program currently funded under ACTION (PL 93-113 Title II), the federal volunteer agency."

On page 1, line 26 after "above" strike "and" and insert a comma

On page 1, line 27 strike "nineteen" and insert "twenty-one, and community services providing meaningful tasks"

Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Becker, Cochrane, Deccio, Eng, Fortson, Hanna, May, Paris, Peterson, Tilly.

To Committee on Rules for second reading.

January 12, 1976

HOUSE BILL NO. 1313, Prime Sponsor: Representative Ehlers, creating the Washington library networks revolving fund. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Amen, Bagnariol, Bausch, Blair, Boldt, Charette, Ehlers, Flanagan, Gaspard, Hansey, Luders, Matthews, McKibbin, Polk, Smith (Edward), Smith (Rick), Thompson, Valle, Warnke.

To Committee on Rules for second reading.

January 12, 1976

HOUSE BILL NO. 1316, Prime Sponsor: Representative Fortson, authorizing state funding of senior citizens' nutrition program. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Becker, Cochrane, Deccio, Eng, Fischer, Fortson, Hanna, May, Paris, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

January 13, 1976

HOUSE BILL NO. 1335, Prime Sponsor: Representative King, providing for collective bargaining at the state institutions of higher education. Reported by Committee on Labor.

MAJORITY recommendation: Do pass. Signed by Representatives McKibbin, Vice Chairman; Bausch, Cochrane, King, May, Parker.

To Committee on Rules for second reading.

January 13, 1976

HOUSE BILL NO. 1341, Prime Sponsor: Representative Smith (Rick), revising probate laws. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner, Maxie, Newhouse, Patterson, Sherman.

To Committee on Rules for second reading.

THIRD READING

HOUSE BILL NO. 284, by Representatives Hanna and Adams (by Department of Social and Health Services request):

Authorizing increased payment for juvenile probation supervision.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 284, and the bill passed the House by the following vote: Yeas, 66; nays, 23; not voting, 8.

Voting yea: Representatives Adams, Amen, Bauer, Bausch, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Douthwaite, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, King, Knowles, Kuehnle, Laughlin, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Randall, Seeberger, Sherman, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Bagnariol, Barnes, Becker, Bond, Curtis, Dunlap, Ehlers, Freeman, Gaspard, Gilleland, Hendricks, Jueling, Kilbury, Lee, Matthews, Newhouse, North, Polk, Schumaker, Shinpoch, Tilly, Whiteside, Wilson.

Not voting: Representatives Chandler, Conner, Deccio, Kalich, Leckenby, Luders, Lysen, Williams.

House Bill No. 284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 523, by Representatives Hayner and Kilbury:

Requiring counties to pay salary and expenses of stream patrolmen.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 523, and the bill passed the House by the following vote: Yeas, 90; nays, 0; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Luders, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Chandler, Deccio, Fortson, Kalich, Leckenby, Lysen, Williams.

House Bill No. 523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 575, by Representatives Wojahn, Curtis and Warnke:

Permitting embargo of hazardous household substances.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 575, and the bill passed the House by the following vote: Yeas, 91; nays, 0; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Luders, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeburger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Chandler, Deccio, Kalich, Leckenby, Lysen, Williams.

Engrossed House Bill No. 575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 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.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 593, and the bill passed the House by the following vote: Yeas, 53; nays, 26; not voting, 8.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, King, Knowles, Laughlin, Luders, Lux, Martinis, Maxie, McCormick, McKibbin, Moon, North, O'Brien, Parker, Perry, Randall, Seeburger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Wojahn.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Boldt, Bond, Brown, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Jueling, Kuehnle, Lee, Matthews, May, Moreau, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Chandler, Deccio, Kalich, Leckenby, Lysen, Smith R., Williams, and Mr. Speaker.

Substitute House Bill No. 593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 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.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 594, and the bill passed the House by the following vote: Yeas, 67; nays, 24; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hayner, Hurley G. S., Jastad, Kilbury, King, Knowles, Laughlin, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Perry, Peterson, Seeburger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Amen, Berentson, Blair, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hendricks, Hurley M., Jueling, Kuehnle, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Chandler, Deccio, Kalich, Leckenby, Randall, and Mr. Speaker.

Substitute House Bill No. 594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 631, and the bill passed the House by the following vote: Yeas, 61; nays, 30; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hayner, Hurley G. S., Jastad, Kilbury, King, Knowles, Laughlin, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Perry, Peterson, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Amen, Berentson, Blair, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hendricks, Hurley M., Juelling, Kuehnle, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Chandler, Deccio, Kalich, Leckenby, Randall, and Mr. Speaker.

Substitute House Bill No. 631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 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.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 656, and the bill passed the House by the following vote: Yeas, 82; nays, 10; not voting, 5.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Juelling, Kilbury, King, Knowles, Laughlin, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Pardini, Paris, Parker, Perry, Peterson, Polk, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Amen, Barnes, Bond, Haussler, Jastad, Kuehnle, Newhouse, Patterson, Schumaker, Wojahn.

Not voting: Representatives Chandler, Deccio, Kalich, Leckenby, and Mr. Speaker.

Substitute House Bill No. 656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 683, by Representatives Ceccarelli, Pardini and Chatalas:

Providing new regulations for banks and banking relating to illegal or unsound practices.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 683, and the bill passed the House by the following vote: Yeas, 91; nays, 0; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Luders, Lux,

Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Chandler, Deccio, Fortson, Kalich, Leckenby, and Mr. Speaker.

House Bill No. 683, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 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.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 780, and the bill passed the House by the following vote: Yeas, 93; nays, 0; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Chandler, Kalich, Leckenby, and Mr. Speaker.

Substitute House Bill No. 780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 91, by Committee on Commerce (Originally sponsored by Representatives Fischer, Jastad and Wojahn):

Enacting a hazardous substance act.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 91, and the bill passed the House by the following vote: Yeas, 91; nays, 2; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kilbury, King, Kuehnle, Laughlin, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bond, Knowles.

Not voting: Representatives Chandler, Kalich, Leckenby, and Mr. Speaker.

Substitute House Bill No. 91, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

Increasing certain benefits to retirees under teachers' retirement act.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 778, and the bill passed the House by the following vote: Yeas, 91; nays, 2; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis,

Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Dunlap, Freeman.

Not voting: Representatives Chandler, Kalich, Leckenby, and Mr. Speaker.

Engrossed House Bill No. 778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Luders moved that Substitute House Bill No. 58, Engrossed House Bill No. 251, House Bill No. 264, Engrossed House Bill No. 271, Engrossed Substitute House Bill No. 659, Engrossed House Bill No. 687, Engrossed House Bill No. 971, Substitute House Bill No. 1011, Engrossed House Bill No. 1037, Substitute House Bill No. 1100 and Substitute House Bill No. 496 be returned to second reading for the purpose of adopting amendments requested by the Code Reviser's Office.

Mr. Newhouse moved that the motion be amended to exclude Engrossed House Bill No. 971.

Representatives Newhouse and Charette spoke in favor of the amendment to the Luders' motion, and it was carried.

The motion by Mr. Luders as amended was carried.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 58, by Committee on Commerce (Originally sponsored by Representatives Ehlers, Gallagher and Smith [Rick]):

Requiring emergency exits for mobile homes.

The bill was read the second time.

On motion of Mr. Charette, the following amendments by Representatives Charette and Eikenberry were adopted:

On page 1, line 7 strike "1975" and insert "1976"

On page 1, line 20 strike "1975" and insert "1976"

Substitute House Bill No. 58 was ordered engrossed.

On motion of Mr. Luders, the rules were suspended, the second reading considered the third, and Engrossed Substitute House Bill No. 58 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 58, and the bill passed the House by the following vote: Yeas, 89; nays, 4; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Laughlin, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bond, Gallagher, Kuehnle, Nelson.

Not voting: Representatives Chandler, Kalich, Leckenby, and Mr. Speaker.

Engrossed Substitute House Bill No. 58, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 251, by Representatives Wojahn, Lee, McCormick, North, Shinpoch, Bagnariol, Perry, Maxie, Bauer, Erickson, Cochrane, Becker, Sommers, Sherman, Fortson, Valle, Charnley, Kilbury, Laughlin and Williams:

Creating the Washington state women's council.

The bill was read the second time.

On motion of Mr. Charette, the following amendments by Representatives Charette and Eikenberry were adopted:

On page 1, line 30 strike "1975" and insert "1976"

On page 3, line 31 strike "1975" and insert "1976"

Mr. Pardini moved adoption of the following amendment by Representatives Pardini and Polk:

On page 1, line 24 after "political party" strike the period and insert ", at least seven members of which shall be males."

Mr. Pardini spoke in favor of the amendment, and Mrs. Wojahn spoke against it.

MOTION

On motion of Mr. Charette, further action on Engrossed House Bill No. 251 was deferred, and the bill was ordered placed on tomorrow's second reading calendar.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Chandler and Leckenby, who were excused.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:30 a.m., Thursday, January 15, 1976.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

ELEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, January 15, 1976.

The House was called to order at 10:30 a.m. by the Speaker. The Clerk called the roll and all members were present except Representative Nelson, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heidi Fritz and Craig Craig. Prayer was offered by the Reverend Charles Loyer of the Westminster Presbyterian Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

January 14, 1976

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 43,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1382, by Representatives Hansen and Leckenby:

AN ACT Relating to motor vehicle license registration; amending section 46.16.130, chapter 12, Laws of 1961 as amended by section 5, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.130; amending section 82.44.060, chapter 15, Laws of 1961 as last amended by section 14, chapter 118, Laws of 1975 1st ex. sess. and RCW 82.44.060; and providing an effective date.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1383, by Representatives Haussler, Moon, Douthwaite, Kalich, Kuehnle, Zimmerman, Thompson, May and Lee:

AN ACT Relating to land use planning; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

To Committee on Local Government

HOUSE BILL NO. 1384, by Representatives Curtis, Polk, Freeman, Hansey, Greengo, Whiteside, Lee, Paris, Wilson, Matthews, Bond, Hayner, Patterson, Leckenby, Gilleland, Zimmerman, Kuehnle, Pardini and Schumaker:

AN ACT Relating to the legislature; limiting the duration of special sessions of the legislature; and adding a new section to chapter 44.04 RCW.

To Committee on State Government

HOUSE BILL NO. 1385, by Representatives Freeman, Polk, Amen, Hansey, Greengo, Haley, Barnes, Wilson, Hendricks, Matthews, Dunlap, Hayner, Patterson, Gilleland, Flanagan, Zimmerman and Pardini:

AN ACT Relating to common schools; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.

To Committee on Education

HOUSE BILL NO. 1386, by Representatives Randall and Gilleland (by Department of Revenue request):

AN ACT Relating to revenue and taxation; amending section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043; adding new sections to chapter 15, Laws of 1961 and to chapter 84.41 RCW; providing an expiration date; and declaring an emergency.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1387, by Representative Fischer:

AN ACT Relating to alcoholic beverage control; adding new sections to Title 66 RCW; and defining crimes.

To Committee on Commerce

HOUSE BILL NO. 1388, By Representative Fischer:

AN ACT Relating to bus warning lights; and amending section 46.37.290, chapter 12, Laws of 1961 as amended by section 6, chapter 100, Laws of 1970 ex. sess. and RCW 46.37.290.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1389, by Representatives Jueling, Haussler, Whiteside, Gilleland, Greengo and Flanagan:

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.

To Committee on State Government

HOUSE BILL NO. 1390, by Representatives Tilly, Hansen and Gilleland:

AN ACT Relating to motor vehicles; reenacting and amending section 46.16.210, chapter 12, Laws of 1961 as last amended by section 8, chapter 118, Laws of 1975 1st ex. sess. and by section 6, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.16.210; and providing an effective date.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1391, by Representatives Parker, Fortson, North and Fischer:

AN ACT Relating to retirement of employees; amending section 10, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.100; amending section 17, chapter 261, Laws of 1945 as last amended by section 2, chapter 170, Laws of 1973 1st ex. sess. and RCW 41.24.170; amending section 1, chapter 26, Laws of 1974 ex. sess. and RCW 41.24.180; amending section 13, chapter 207, Laws of 1939 as amended by section 3, chapter 185, Laws of 1967 and RCW 41.28.120; amending section 19, chapter 274, Laws of 1947 as last amended by section 7, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.180; adding a new section to chapter 49.44 RCW; and repealing section 21, chapter 200, Laws of 1953 and RCW 41.40.125.

To Committee on State Government

HOUSE BILL NO. 1392, by Representatives Newhouse, Freeman, Hansey, Flanagan, Curtis, Matthews, Hayner, Patterson, Gilleland, Pardini and Greengo:

AN ACT Relating to public employment; creating the Washington retirement system; adding a new section to chapter 2.10 RCW; adding a new section to chapter 41.28 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.44 RCW; adding a new chapter to Title 41 RCW; and prescribing an effective date.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1393, by Representatives Freeman, Polk, Hansey, Flanagan, Amen, Deccio, Greengo, Lee, Haley, Barnes, Wilson, Hendricks, Matthews, Whiteside, Hayner, Patterson, Gilleland, Zimmerman and Pardini:

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

To Committee on Education

HOUSE BILL NO. 1394, by Representatives Hansen, Leckenby, Charnley and Clemente:

AN ACT Relating to eminent domain; and amending section 18, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.180.

To Committee on Judiciary

HOUSE BILL NO. 1395, by Representatives Polk, Paris, Matthews and Lee:

AN ACT Relating to community colleges; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500; 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; amending section 17, chapter 15, Laws of 1970 ex. sess. as amended by section 19, chapter 62, Laws of 1973 and RCW 28B.50.140; and creating a new section.

To Committee on Higher Education

HOUSE BILL NO. 1396, by Representatives Douthwaite, Haussler, Peterson and Blair:

AN ACT Relating to state purchasing; and amending section 43.19.1906, chapter 8, Laws of 1965 and RCW 43.19.1906.

To Committee on State Government

HOUSE BILL NO. 1397, by Representatives Hansen, Gilleland, Lux and Chandler (by Department of Motor Vehicles request):

AN ACT Relating to motor vehicle fuel taxes; amending section 82.36.040, chapter 15, Laws of 1961 and RCW 82.36.040; and amending section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 7, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.170.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1398, by Representatives Brown, Charnley, Paris, Matthews and Cochrane:

AN ACT Relating to smoking; adding a new chapter to Title 70 RCW to be designated chapter 70.56 RCW; providing penalties; and declaring an emergency.

To Committee on Social and Health Services

HOUSE BILL NO. 1399, by Representatives Eikenberry, Hayner, Deccio, Berentson, Polk, Curtis, Freeman, Greengo, Whiteside, Lee, Haley, Barnes, Wilson, Paris, Hendricks, Matthews, Leckenby, Tilly, Kuehnl, Pardini and Bond:

AN ACT Relating to punishment for crimes; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.020; repealing section 9A.32.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.040; prescribing penalties; and providing an effective date.

To Committee on Judiciary

HOUSE BILL NO. 1400, by Representatives Freeman, Polk, Amen, Barnes, Matthews, Hayner, Patterson, Gilleland, Flanagan, Kuehnl, Pardini and Bond:

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.

To Committee on Education

HOUSE BILL NO. 1401, by Representatives Wojahn, Fortson, Lee and Fischer:

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; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW.

To Committee on Education

HOUSE BILL NO. 1402, by Representatives Laughlin, Haussler, Thompson, North, Smith (Edward), Fischer, Zimmerman, Douthwaite and Hanna:

AN ACT Relating to local government; amending section 1, chapter 55, Laws of 1963 and RCW 57.90.010; amending section 2, chapter 154, Laws of 1967 and RCW 85.36.010; amending section 3, chapter 154, Laws of 1967 and RCW 85.36.020; amending section 4, chapter 154, Laws of 1967 as amended by section 128, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.36.030; amending section 16, chapter 26, Laws of 1965 as last amended by section 40, chapter 42, Laws of 1970 ex. sess. and RCW 86.05.920; amending section 2, chapter 72, Laws of 1937 as amended by section 1, chapter 26, Laws of 1965 and RCW 86.09.004; amending section 3, chapter 72, Laws of 1937 and RCW 86.09.007; amending section 4, chapter 72, Laws of 1937 and RCW 86.09.010; amending section 13, chapter 72, Laws of 1937 and RCW 86.09.037; amending section 41, chapter 72, Laws of 1937 and RCW 86.09.121; amending section 48, chapter 72, Laws of 1937 as amended by section 6, chapter 154, Laws of 1967 and RCW 86.09.142; amending section 49, chapter 72, Laws of 1937 and RCW 86.09.145; amending section 62, chapter 72, Laws of 1937 and RCW 86.09.184; amending section 63, chapter 72, Laws of

1937 as amended by section 4, chapter 26, Laws of 1965 and RCW 86.09.187; amending section 87, chapter 72, Laws of 1937 as amended by section 7, chapter 154, Laws of 1967 and RCW 86.09.259; amending section 88, chapter 72, Laws of 1937 and RCW 86.09.262; amending section 93, chapter 72, Laws of 1937 and RCW 86.09.277; amending section 94, chapter 72, Laws of 1937 and RCW 86.09.280; amending section 95, chapter 72, Laws of 1937 as amended by section 8, chapter 26, Laws of 1965 and RCW 86.09.283; amending section 99, chapter 72, Laws of 1937 and RCW 86.09.295; amending section 113, chapter 72, Laws of 1937 and RCW 86.09.337; amending section 114, chapter 72, Laws of 1937 and RCW 86.09.340; amending section 116, chapter 72, Laws of 1937 and RCW 86.09.346; amending section 119, chapter 72, Laws of 1937 and RCW 86.09.355; amending section 120, chapter 72, Laws of 1937 and RCW 86.09.358; amending section 121, chapter 72, Laws of 1937 and RCW 86.09.361; amending section 122, chapter 72, Laws of 1937 as last amended by section 71, chapter 292, Laws of 1971 ex. sess. and RCW 86.09.364; amending section 124, chapter 72, Laws of 1937 and RCW 86.09.370; amending section 125, chapter 72, Laws of 1937 and RCW 86.09.373; amending section 132, chapter 72, Laws of 1937 and RCW 86.09.394; amending section 133, chapter 72, Laws of 1937 and RCW 86.09.397; amending section 137, chapter 72, Laws of 1937 and RCW 86.09.409; amending section 156, chapter 72, Laws of 1937 and RCW 86.09.466; amending section 157, chapter 72, Laws of 1937 and RCW 86.09.469; amending section 175, chapter 72, Laws of 1937 and RCW 86.09.523; adding new sections to chapter 85.07 RCW; adding a new section to chapter 85.06 RCW; adding new sections to chapter 85.08 RCW; adding a new section to chapter 85.24 RCW; adding a new section to chapter 85.36 RCW; adding new sections to chapter 86.09 RCW; repealing sections 1 and 2, chapter 117, Laws of 1895, sections 1 and 2, chapter 146, Laws of 1921 and RCW 85.05.010 and 85.05.020; repealing section 3, chapter 117, Laws of 1895, section 1, chapter 87, Laws of 1905, section 3, chapter 146, Laws of 1921 and RCW 85.05.030; repealing section 4, chapter 117, Laws of 1895 and RCW 85.05.040; repealing section 5, chapter 117, Laws of 1895, section 1, chapter 115, Laws of 1899, section 1, chapter 84, Laws of 1915 and RCW 85.05.050; repealing section 1, chapter 84, Laws of 1953 and RCW 85.05.060; repealing section 7, chapter 117, Laws of 1895, section 1, chapter 95, Laws of 1907, section 1, chapter 153, Laws of 1915, section 1, chapter 117, Laws of 1939 and RCW 85.05.070; repealing sections 2 through 9, chapter 153, Laws of 1915 and RCW 85.05.071 through 85.05.078; repealing section 10, chapter 153, Laws of 1915, section 156, chapter 81, Laws of 1971 and RCW 85.05.079; repealing sections 2 through 5, chapter 95, Laws of 1907 and RCW 85.05.080 through 85.05.083; repealing section 8, chapter 117, Laws of 1895, section 5, chapter 146, Laws of 1921 and RCW 85.05.085; repealing sections 9 and 10, chapter 117, Laws of 1895 and RCW 85.05.090 and 85.05.100; repealing section 11, chapter 117, Laws of 1895, section 56, chapter 292, Laws of 1971 ex. sess. and RCW 85.05.110; repealing section 12, chapter 117, Laws of 1895 and RCW 85.05.120; repealing section 13, chapter 117, Laws of 1895, section 1, chapter 111, Laws of 1901, section 1, chapter 89, Laws of 1913, section 157, chapter 81, Laws of 1971 and RCW 85.05.130; repealing sections 14 through 26, chapter 117, Laws of 1895 and RCW 85.05.140 through 85.05.260; repealing section 10, chapter 209, Laws of 1959 and RCW 85.05.270; repealing section 28, chapter 117, Laws of 1895 and RCW 85.05.280; repealing section 29, chapter 117, Laws of 1895, section 1, chapter 87, Laws of 1921 and RCW 85.05.290; repealing section 30, chapter 117, Laws of 1895, section 43, chapter 232, Laws of 1969 ex. sess., section 87, chapter 56, Laws of 1970 ex. sess. and RCW 85.05.300; repealing sections 31 through 36, chapter 117, Laws of 1895 and RCW 85.05.310 through 85.05.360; repealing section 1, chapter 111, Laws of 1929, section 1, chapter 55, Laws of 1931 and RCW 85.05.365; repealing sections 2 and 3, chapter 111, Laws of 1929 and RCW 85.05.366 and 85.05.367; repealing sections 37 and 38, chapter 117, Laws of 1895 and RCW 85.05.370 and 85.05.380; repealing section 39, chapter 117, Laws of 1895, section 1, chapter 277, Laws of 1927 and RCW 85.05.390; repealing section 40, chapter 117, Laws of 1895 and RCW 85.05.400; repealing section 41, chapter 117, Laws of 1895, section 1, chapter 171, Laws of 1909, section 1, chapter 30, Laws of 1951, section 1, chapter 39, Laws of 1974 ex. sess. and RCW 85.05.410; repealing section 42, chapter 117, Laws of 1895 and RCW 85.05.420; repealing sections 2 through 5, chapter 342, Laws of 1955 and RCW 85.05.430 through 85.05.460; repealing section 6, chapter 342, Laws of 1955, section 158; chapter 81, Laws of 1971 and RCW 85.05.470; repealing section 1, chapter 156, Laws of 1913, section 50, chapter 232, Laws of 1969 ex. sess., section 88, chapter 56, Laws of 1970 ex. sess. and RCW 85.05.480; repealing sections 1 and 2, chapter 39, Laws of 1933 and RCW 85.05.490 and 85.05.500; repealing sections 1 through 5, chapter 69, Laws of 1925 ex. sess. and RCW 85.05.510 through 85.05.550; repealing sections 1 through 5, chapter 43, Laws of 1913 and RCW 85.05.560 through 85.05.600; repealing sections 19 through 23, chapter 184, Laws of 1967 and RCW 85.05.610 through 85.05.650; repealing section 1, chapter 115, Laws of 1895 and RCW 85.06.010; repealing section 2, chapter 115, Laws of 1895, section 1, chapter 86, Laws of 1913 and RCW 85.06.020; repealing section 3, chapter 115, Laws of 1895, section 1, chapter 175, Laws of 1905, section 2, chapter 86, Laws of 1913 and RCW 85.06.030; repealing section 4, chapter 115, Laws of 1895 and RCW 85.06.040; repealing section 5, chapter 115, Laws of 1895, section 1, chapter 143, Laws of 1909, section 1, chapter 183, Laws of 1941 and RCW 85.06.050; repealing section 7, chapter 115, Laws of 1895, section 2, chapter 179, Laws of 1919 and RCW 85.06.070; repealing section 8, chapter 115, Laws of 1895, section 3, chapter 86, Laws of 1913 and RCW 85.06.080; repealing section 9, chapter 115, Laws of 1895, section 2, chapter 175, Laws of 1905, section 4, chapter 86, Laws of 1913 and RCW 85.06.090; repealing section 10, chapter 115, Laws of 1895 and RCW 85.06.100; repealing section 11, chapter 115, Laws of 1895, section 57, chapter 292, Laws of 1971 ex. sess. and RCW 85.06.110; repealing section 12, chapter 115, Laws of 1895, section 2, chapter 143, Laws of 1909 and RCW 85.06.120; repealing section 13, chapter 115, Laws of 1895, section 1, chapter 86, Laws of 1901,

section 1, chapter 133, Laws of 1917, section 159, chapter 81, Laws of 1971 and RCW 85.06.130; repealing sections 14 and 15, chapter 115, Laws of 1895 and RCW 85.06.140 and 85.06.150; repealing section 16, chapter 115, Laws of 1895, section 1, chapter 242, Laws of 1907 and RCW 85.06.160; repealing sections 17 and 18, chapter 115, Laws of 1895 and RCW 85.06.170 through 85.06.180; repealing section 19, chapter 115, Laws of 1895, section 1, chapter 13, Laws of 1909 ex. sess. and RCW 85.06.190; repealing sections 20 through 23, chapter 115, Laws of 1895 and RCW 85.06.200 through 85.06.230; repealing sections 25 and 26, chapter 115, Laws of 1895 and RCW 85.06.250 and 85.06.260; repealing section 27, chapter 115, Laws of 1895, section 51, chapter 232, Laws of 1969 ex. sess., section 89, chapter 56, Laws of 1970 ex. sess. and RCW 85.06.270; repealing sections 28 through 32, chapter 115, Laws of 1895 and RCW 85.06.280 through 85.06.320; repealing section 1, chapter 174, Laws of 1927, section 52, chapter 232, Laws of 1969 ex. sess., section 90, chapter 56, Laws of 1970 ex. sess. and RCW 85.06.321; repealing section 1, chapter 174, Laws of 1927 and RCW 85.06.322 through 85.06.329; repealing sections 33 through 37, chapter 115, Laws of 1895 and RCW 85.06.330 through 85.06.370; repealing section 38, chapter 115, Laws of 1895, section 1, chapter 62, Laws of 1907, section 1, chapter 76, Laws of 1947, section 1, chapter 209, Laws of 1959 and RCW 85.06.380; repealing section 39, chapter 115, Laws of 1895, section 1, chapter 38, Laws of 1903 and RCW 85.06.390; repealing section 40, chapter 115, Laws of 1895 and RCW 85.06.400; repealing section 1, chapter 179, Laws of 1919 and RCW 85.06.500; repealing sections 1 through 4, chapter 42, Laws of 1913 and RCW 85.06.510 through 85.06.540; repealing sections 1 through 9, chapter 67, Laws of 1903 and RCW 85.06.550 through 85.06.630; repealing section 1, chapter 170, Laws of 1935, section 1, chapter 133, Laws of 1941 and RCW 85.06.640; repealing section 2, chapter 170, Laws of 1935 and RCW 85.06.650; repealing section 3, chapter 170, Laws of 1935, section 160, chapter 81, Laws of 1971 and RCW 85.06.660; repealing sections 4 through 7, chapter 170, Laws of 1935 and RCW 85.06.670 through 85.06.700; repealing sections 1 through 4, chapter 187, Laws of 1921 and RCW 85.06.710 through 85.06.740; repealing section 5, chapter 187, Laws of 1921, section 161, chapter 81, Laws of 1971 and RCW 85.06.750; repealing section 1, chapter 104, Laws of 1917 and RCW 85.07.010; repealing section 1, chapter 165, Laws of 1907, section 1, chapter 14, Laws of 1915 and RCW 85.07.020; repealing section 2, chapter 165, Laws of 1907 and RCW 85.07.030; repealing sections 1 and 2, chapter 194, Laws of 1909 and RCW 85.07.040 and 85.07.050; repealing section 1, chapter 103, Laws of 1935 and RCW 85.07.060; repealing section 2, chapter 103, Laws of 1935, section 53, chapter 232, Laws of 1969 ex. sess., section 91, chapter 56, Laws of 1970 ex. sess. and RCW 85.07.070; repealing sections 3 through 7, chapter 103, Laws of 1935 and RCW 85.07.080 through 85.07.120; repealing sections 1 and 2, chapter 102, Laws of 1935 and RCW 85.07.130 and 85.07.140; repealing section 1, chapter 96, Laws of 1963 and RCW 85.07.170; repealing section 2, chapter 176, Laws of 1913, section 13, chapter 130, Laws of 1917, section 2, chapter 46, Laws of 1923 and RCW 85.08.010; repealing section 1, chapter 176, Laws of 1913, section 12, chapter 130, Laws of 1917, section 1, chapter 160, Laws of 1921, section 1, chapter 46, Laws of 1923, section 1, chapter 79, Laws of 1925 ex. sess., section 1, chapter 240, Laws of 1927 and RCW 85.08.020; repealing section 3, chapter 176, Laws of 1913, section 14, chapter 130, Laws of 1917, section 3, chapter 46, Laws of 1923, section 2, chapter 209, Laws of 1959 and RCW 85.08.040; repealing sections 4 through 9, chapter 209, Laws of 1959 and RCW 85.08.050 through 85.08.100; repealing section 5, chapter 176, Laws of 1913 and RCW 85.08.110; repealing sections 6 and 7, chapter 176, Laws of 1913, sections 16 and 17, chapter 130, Laws of 1917, sections 4 and 5, chapter 46, Laws of 1923 and RCW 85.08.120 and 85.08.130; repealing sections 8 and 9, chapter 176, Laws of 1913; sections 18 and 19, chapter 130, Laws of 1917 and RCW 85.08.140 and 85.08.150; repealing section 10, chapter 176, Laws of 1913, section 20, chapter 130, Laws of 1917, section 6, chapter 46, Laws of 1923 and RCW 85.08.160; repealing sections 11 and 12, chapter 176, Laws of 1913 and RCW 85.08.170 through 85.08.180; repealing section 13, chapter 176, Laws of 1913, section 21, chapter 130, Laws of 1917 and RCW 85.08.190; repealing sections 14 and 15, chapter 176, Laws of 1913 and RCW 85.08.200 and 85.08.210; repealing section 16, chapter 176, Laws of 1913, section 22, chapter 130, Laws of 1917 and RCW 85.08.220; repealing section 1, chapter 189, Laws of 1925 ex. sess. and RCW 85.08.230; repealing section 17, chapter 176, Laws of 1913, section 23, chapter 130, Laws of 1917, section 7, chapter 46, Laws of 1923, section 1, chapter 302, Laws of 1927, section 1, chapter 125, Laws of 1933 and RCW 85.08.240; repealing section 18, chapter 176, Laws of 1913, section 24, chapter 130, Laws of 1917 and RCW 85.08.280; repealing section 19, chapter 176, Laws of 1913, section 25, chapter 130, Laws of 1917, section 1, chapter 89, Laws of 1925 ex. sess. and RCW 85.08.290; repealing section 20, chapter 176, Laws of 1913, section 26, chapter 130, Laws of 1917, section 4, chapter 157, Laws of 1921, section 1, chapter 338, Laws of 1955, section 1, chapter 120, Laws of 1965 and RCW 85.08.300; repealing section 22, chapter 176, Laws of 1913, section 27, chapter 130, Laws of 1917, section 5, chapter 157, Laws of 1921 and RCW 85.08.310; repealing sections 23 through 25, chapter 176, Laws of 1913, sections 28 through 30, chapter 130, Laws of 1917 and RCW 85.08.320 through 85.08.360; repealing section 26, chapter 176, Laws of 1913, section 31, chapter 130, Laws of 1917, section 8, chapter 46, Laws of 1923 and RCW 85.08.370; repealing section 28, chapter 176, Laws of 1913 and RCW 85.08.375; repealing section 27, chapter 176, Laws of 1913 and RCW 85.08.380; repealing section 3, chapter 160, Laws of 1921 and RCW 85.08.385; repealing section 29, chapter 176, Laws of 1913 and RCW 85.08.390; repealing section 30, chapter 176, Laws of 1913, section 32, chapter 130, Laws of 1917, section 9, chapter 46, Laws of 1923 and RCW 85.08.400 through 85.08.430; repealing section 1, chapter 157, Laws of 1921, section 162, chapter 81, Laws of 1971 and RCW 85.08.440; repealing section 2, chapter 157, Laws of 1921 and RCW 85.08.450; repealing section 3, chapter 157, Laws of 1921, section 10, chapter 46, Laws of 1923 and RCW 85.08.460; repealing section 31, chapter 176, Laws of 1913, section 33, chapter 130, Laws of 1917, section 11, chapter 46, Laws of 1923 and

RCW 85.08.470; repealing section 31, chapter 176, Laws of 1913, section 33, chapter 130, Laws of 1917, section 11, chapter 46, Laws of 1923, section 2, chapter 125, Laws of 1933 and RCW 85.08.480; repealing section 31, chapter 176, Laws of 1913, section 33, chapter 130, Laws of 1917, section 11, chapter 46, Laws of 1923 and RCW 85.08.490 through 85.08.520; repealing sections 33 through 35, chapter 176, Laws of 1913, sections 35 through 37, chapter 130, Laws of 1917 and RCW 85.08.530 through 85.08.560; repealing section 38, chapter 176, Laws of 1913, section 6, chapter 157, Laws of 1921, section 13, chapter 46, Laws of 1923 and RCW 85.08.570; repealing section 1, chapter 130, Laws of 1917, section 14, chapter 46, Laws of 1923 and RCW 85.08.580; repealing section 2, chapter 130, Laws of 1917 and RCW 85.08.590; repealing section 3, chapter 130, Laws of 1917, section 15, chapter 46, Laws of 1923 and RCW 85.08.600; repealing sections 4 through 10, chapter 130, Laws of 1917 and RCW 85.08.610 through 85.08.660; repealing section 36, chapter 176, Laws of 1913 and RCW 85.08.670; repealing section 37, chapter 176, Laws of 1913, section 38, chapter 130, Laws of 1917, section 12, chapter 46, Laws of 1923 and RCW 85.08.680; repealing section 11, chapter 130, Laws of 1917 and RCW 85.08.690; repealing section 1, chapter 140, Laws of 1925 ex. sess. and RCW 85.08.820; repealing sections 2 through 8, chapter 94, Laws of 1957 and RCW 85.08.830 through 85.08.890; repealing section 6, chapter 104, Laws of 1959 and RCW 85.08.900; repealing section 1, chapter 211, Laws of 1929, section 1, chapter 22, Laws of 1933, section 1, chapter 38, Laws of 1933 ex. sess. and RCW 85.09.010; repealing section 2, chapter 211, Laws of 1929, section 2, chapter 22, Laws of 1933 and RCW 85.09.020; repealing sections 3 and 4, chapter 211, Laws of 1929 and RCW 85.09.030 and 85.09.040; repealing sections 5 through 9, chapter 211, Laws of 1929, sections 3 through 7, chapter 22, Laws of 1933 and RCW 85.09.050 through 85.09.090; repealing section 8, chapter 22, Laws of 1933 and RCW 85.09.900; repealing sections 1 and 2, chapter 175, Laws of 1949 and RCW 85.12.010 and 85.12.030; repealing sections 2 and 3, chapter 184, Laws of 1967 and RCW 85.15.010 and 85.15.020; repealing section 4, chapter 184, Laws of 1967, section 111, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.15.030; repealing sections 5 and 6, chapter 184, Laws of 1967 and RCW 85.15.040 and 85.15.050; repealing sections 7 and 8, chapter 184, Laws of 1967, sections 112 and 113, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.15.060 and 85.15.070; repealing sections 9 through 13, chapter 184, Laws of 1967 and RCW 85.15.080 through 85.15.120; repealing section 14, chapter 184, Laws of 1967, section 163, chapter 81, Laws of 1971 and RCW 85.15.130; repealing section 15, chapter 184, Laws of 1967, section 114, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.15.140; repealing sections 16 through 18, chapter 184, Laws of 1967 and RCW 85.15.150 through 85.15.170; repealing sections 1 through 3, chapter 26, Laws of 1949 and RCW 85.16.010 through 85.16.030; repealing section 2, chapter 16, Laws of 1961 and RCW 85.16.060; repealing section 6, chapter 26, Laws of 1949 and RCW 85.16.070; repealing section 3, chapter 16, Laws of 1961 and RCW 85.16.080; repealing section 5, chapter 26, Laws of 1949 and RCW 85.16.090; repealing section 7, chapter 26, Laws of 1949, section 4, chapter 16, Laws of 1961 and RCW 85.16.110; repealing section 4, chapter 63, Laws of 1951 and RCW 85.16.115; repealing section 8, chapter 26, Laws of 1949, section 5, chapter 16, Laws of 1961 and RCW 85.16.120; repealing sections 9 through 12, chapter 26, Laws of 1949 and RCW 85.16.130 through 85.16.170; repealing section 13, chapter 26, Laws of 1949, section 54, chapter 232, Laws of 1969 ex. sess., section 92, chapter 56, Laws of 1970 ex. sess. and RCW 85.16.180; repealing section 14, chapter 26, Laws of 1949, section 164, chapter 81, Laws of 1971 and RCW 85.16.190; repealing section 15, chapter 26, Laws of 1949, section 2, chapter 63, Laws of 1951 and RCW 85.16.200; repealing section 16, chapter 26, Laws of 1949, section 165, chapter 81, Laws of 1971 and RCW 85.16.210; repealing section 17, chapter 26, Laws of 1949 and RCW 85.16.220; repealing section 3, chapter 63, Laws of 1951 and RCW 85.16.230; repealing section 19, chapter 26, Laws of 1949 and RCW 85.16.900; repealing section 1, chapter 45, Laws of 1951 and RCW 85.18.005; repealing section 2, chapter 45, Laws of 1951, section 115, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.18.010; repealing section 3, chapter 45, Laws of 1951 and RCW 85.18.020; repealing section 4, chapter 45, Laws of 1951, section 116, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.18.030; repealing sections 5 through 8, chapter 45, Laws of 1951 and RCW 85.18.040 through 85.18.070; repealing section 9, chapter 45, Laws of 1951, section 117, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.18.080; repealing sections 10 through 14, chapter 45, Laws of 1951 and RCW 85.18.090 through 85.18.130; repealing section 15, chapter 45, Laws of 1951, section 166, chapter 81, Laws of 1971 and RCW 85.18.140; repealing section 16, chapter 45, Laws of 1951, section 118, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.18.150; repealing sections 17 through 20, chapter 45, Laws of 1951 and RCW 85.18.160 through 85.18.900; repealing sections 1 through 14, chapter 131, Laws of 1917 and RCW 85.20.010 through 85.20.150; repealing sections 1 through 14, chapter 182, Laws of 1933 and RCW 85.22.010 through 85.22.140; repealing sections 1 and 2, chapter 225, Laws of 1909, sections 1 and 2, chapter 140, Laws of 1923 and RCW 85.24.010 and 85.24.020; repealing section 3, chapter 225, Laws of 1909 and RCW 85.24.030; repealing sections 4 and 5, chapter 225, Laws of 1909, sections 3 and 4, chapter 140, Laws of 1923 and RCW 85.24.040 and 85.24.070; repealing section 9, chapter 225, Laws of 1909 and RCW 85.24.071; repealing section 11, chapter 225, Laws of 1909 and RCW 85.24.073; repealing section 21, chapter 225, Laws of 1909 and RCW 85.24.075; repealing section 28, chapter 225, Laws of 1909 and RCW 85.24.077; repealing sections 32 and 33, chapter 225, Laws of 1909 and RCW 85.24.079 and 85.24.080; repealing section 6, chapter 225, Laws of 1909, section 167, chapter 81, Laws of 1971 and RCW 85.24.130; repealing section 7, chapter 225, Laws of 1909, section 168, chapter 81, Laws of 1971 and RCW 85.24.140; repealing section 8, chapter 225, Laws of 1909 and RCW 85.24.150; repealing section 17, chapter 225, Laws of 1909 and RCW 85.24.160; repealing sections 22 through 24, chapter 225, Laws of 1909 and RCW 85.24.170 through 85.24.190; repealing sections 30 and 31, chapter 225, Laws of 1909 and RCW 85.24.200 and 85.24.210; repealing section 25, chapter

225, Laws of 1909 and RCW 85.24.220; repealing section 16, chapter 225, Laws of 1909, section 5, chapter 140, Laws of 1923 and RCW 85.24.230; repealing section 18, chapter 225, Laws of 1909 and RCW 85.24.240; repealing section 19, chapter 225, Laws of 1909, section 119, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.24.250; repealing section 10, chapter 225, Laws of 1909 and RCW 85.24.260; repealing section 12, chapter 225, Laws of 1909 and RCW 85.24.261; repealing section 20, chapter 225, Laws of 1909 and RCW 85.24.263; repealing section 27, chapter 225, Laws of 1909 and RCW 85.24.265; repealing sections 14 and 15, chapter 225, Laws of 1909 and RCW 85.24.270 and 85.24.275; repealing section 13, chapter 225, Laws of 1909 and RCW 85.24.280; repealing section 26, chapter 225, Laws of 1909 and RCW 85.24.285; repealing section 29, chapter 225, Laws of 1909 and RCW 85.24.290; repealing section 6, chapter 140, Laws of 1923 and RCW 85.24.900; repealing sections 2 and 3, chapter 131, Laws of 1961 and RCW 85.32.010 and 85.32.020; repealing sections 4 through 7, chapter 131, Laws of 1961, sections 120 through 123, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.32.030 through 85.32.060; repealing sections 8 through 10, chapter 131, Laws of 1961 and RCW 85.32.070 through 85.32.090; repealing sections 11 through 13, chapter 131, Laws of 1961, sections 124 through 126, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.32.100 through 85.32.120; repealing sections 14 through 20, chapter 131, Laws of 1961 and RCW 85.32.130 through 85.32.190; repealing section 21, chapter 131, Laws of 1961, section 169, chapter 81, Laws of 1971 and RCW 85.32.200; repealing section 22, chapter 131, Laws of 1961, section 127, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.32.210; repealing sections 23 through 25, chapter 131, Laws of 1961 and RCW 85.32.220 through 85.32.910; repealing section 92, chapter 72, Laws of 1937 and RCW 86.09.274; repealing section 123, chapter 72, Laws of 1937 and RCW 86.09.367; repealing section 138, chapter 72, Laws of 1937 and RCW 86.09.412; and repealing sections 210 and 211, chapter 72, Laws of 1937 and RCW 86.09.900 and 86.09.910.

To Committee on Local Government

HOUSE JOINT RESOLUTION NO. 70, by Representatives Curtis, Polk, Freeman, Hansey, Greengo, Whiteside, Lee, Paris, Wilson, Hendricks, Matthews, Hayner, Patterson, Leckenby, Gilleland, Kuehnle, Pardini and Schumaker:

Amending the Constitution to limit special sessions of the legislature to 30 days.

To Committee on State Government

MOTION

On motion of Mr. Thompson, all bills listed on the agenda under the fourth order of business were ordered passed to the committees so designated with the exception of House Bill No. 1391, to be passed to Committee on Social and Health Services.

REPORTS OF STANDING COMMITTEES

January 13, 1976

HOUSE BILL NO. 121, Prime Sponsor: Representative Smith (Rick), authorizing private ownership and operation of release-recapture salmon rearing facilities. Reported by Committee on Natural Resources.

MAJORITY recommendation: The second substitute bill be substituted therefor and that the second substitute bill do pass. Signed by Representatives Martinis, Chairman; Bausch, Vice Chairman; Bond, Clemente, Conner, Gilleland, Greengo, Haussler, Kilbury, Schumaker, Smith (Rick).

To Committee on Rules for second reading.

January 13, 1976

HOUSE BILL NO. 122, Prime Sponsor: Representative Martinis, revising the public lands management laws. Reported by Committee on Natural Resources.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Martinis, Chairman; Bausch, Vice Chairman; Clemente, Greengo, Haussler, Hurley (George), Kilbury, Moreau, Smith (Rick).

MINORITY recommendation: Do not pass. Signed by Representatives Bond, Conner, Hansey, Schumaker.

To Committee on Rules for second reading.

January 13, 1976

SUBSTITUTE HOUSE BILL NO. 721, Prime Sponsor: Representative Zimmerman, revising laws relating to county solid waste collection and disposal. Reported by Committee on Local Government.

MAJORITY recommendation: The second substitute bill be substituted therefor and that the second substitute bill do pass. Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Subcommittee Chairman; Kalich, Subcommittee Chairman; Laughlin, Subcommittee Chairman; Adams, Berentson, Blair, Cochrane, Fischer, Lee, McCormick, Paris, Smith (Edward), Zimmerman.

To Committee on Rules for second reading.

January 13, 1976

HOUSE BILL NO. 1267, Prime Sponsor: Representative Haussler, establishing a new method of framing county "home rule" charters. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 5 after "HJR" strike the leaders and insert "64"

On page 2, line 4 after "representatives" insert ": PROVIDED FURTHER, That no more than four legislators who are appointed to the county home rule commission shall be members of the same political party"

On page 2, line 10 after "HJR" strike the leaders and insert "64"

Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Kalich, Laughlin, Adams, Amen, Berentson, Blair, Cochrane, Eng, Fischer, Lee, McCormick, North, Paris, Smith (Edward), Whiteside, Zimmerman.

To Committee on Rules for second reading.

January 13, 1976

HOUSE BILL NO. 1271, Prime Sponsor: Representative McKibbin, creating a state energy office. Reported by Committee on State Government.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hendricks, Hurley (Margaret), McKibbin, O'Brien.

MINORITY recommendation: Do not pass. Signed by Representative Leckenby.

To Committee on Rules for second reading.

January 13, 1976

HOUSE BILL NO. 1328, Prime Sponsor: Representative King, establishing operating procedures for a Constitutional convention. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: Do pass. Signed by Representatives King, Chairman; Fortson, Vice Chairwoman; Brown, Chandler, Erickson, Hawkins, Knowles, Lysen, Sherman, Tilly.

To Committee on Rules for second reading.

January 13, 1976

HOUSE BILL NO. 1331, Prime Sponsor: Representative King, establishing voter registration by mail. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: Do pass with the following amendments:

On page 4, beginning on line 21 after "number," strike all of the material down to and including "address" on line 22 and insert "and post office, or physical description sufficient to determine location"

On page 6, beginning on line 19 after "cards," strike all material down to and including "thereon" on line 20

On page 7, beginning on line 5 after "for" strike all material down to and including "amended" on line 6 and insert "a period of at least two years following the election"

Signed by Representatives King, Chairman; Fortson, Vice Chairwoman; Hawkins, Knowles, Lysen, Sherman.

To Committee on Rules for second reading.

January 13, 1976

HOUSE JOINT RESOLUTION NO. 63, Prime Sponsor: Representative Haussler, amending county "home rule" authority. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass. Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Subcommittee Chairman; Laughlin, Subcommittee

Chairman; Adams, Amen, Berentson, Blair, Cochrane, Eng, Fischer, Lee, McCormick, North, Paris, Smith (Edward), Whiteside, Wilson, Zimmerman.

To Committee on Rules for second reading.

January 13, 1976

HOUSE JOINT RESOLUTION NO. 64, Prime Sponsor: Representative Haussler, establishing alternate methods for the framing of county "home rule" charters. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 26 strike "may" and insert "shall"

On page 2, beginning on line 10 after "Article" strike all material down to and including "(2) Shall" on line 15 and insert "shall"

Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Laughlin, Adams, Amen, Berentson, Blair, Cochrane, Eng, Fischer, Lee, McCormick, North, Paris, Smith (Edward), Whiteside, Wilson.

To Committee on Rules for second reading.

SECOND READING

MOTION

On motion of Mr. Thompson, ENGROSSED HOUSE BILL NO. 251 and HOUSE BILL NO. 264 were rereferred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 271, by Representatives Sommers and Erickson (by Department of Revenue request):

Altering the assessment procedures for telegraph company property.

The bill was read the second time.

On motion of Mr. Eikenberry, the following amendments by Representatives Charette and Eikenberry were adopted:

On page 1, beginning on line 29 strike all of section 2 and insert:

"Sec. 2. Section 84.12.360, chapter 15, Laws of 1961 as amended by section 170, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.12.360 are each amended to read as follows:

The actual cash value of the operating property assessed to a company, as fixed and determined by the ((state board of equalization)) department of revenue, shall be apportioned by the department of revenue to the respective counties and to the taxing districts thereof wherein such property is located in the following manner:

(1) Property of steam, suburban, and interurban railroad companies, ((telegraph companies)) and pipe line companies—upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the department of revenue (in case of railroads), ((mileage of wire (in the case of telegraph companies))) and mileage of pipe line (in the case of pipe line companies) within each county or taxing district bears to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the department may classify railroad track.

(2) Property of street railroad companies, motor vehicle transportation companies, telephone companies, electric light and power companies, gas companies, telegraph companies, water companies, heating companies and toll bridge companies—upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating property within the state to be determined by such factors as the department of revenue shall deem proper.

(3) Planes or other aircraft of airplane companies and watercraft of steamboat companies—upon the basis of such factor or factors of allocation, to be determined by the department of revenue, as will secure a substantially fair and equitable division between counties and other taxing districts.

All other property of airplane companies and steamboat companies—upon the basis set forth in subdivision (2) hereof.

The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the department of revenue in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially just and correct valuation of the operating property of such companies within the state and within each county thereof."

In the title, page 1, line 3 after "1961" and before "and" insert "as amended by section 170, chapter 278, Laws of 1975 1st ex. sess."

Engrossed House Bill No. 271 was ordered reengrossed.

On motion of Mr. Randall, the rules were suspended, the second reading considered the third, and Reengrossed House Bill No. 271 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 271, and the bill passed the House by the following vote: Yeas, 90; nays, 2; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Polk, Randall, Schumaker, Seeburger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Bausch, Hurley G. S.

Not voting: Representatives Bond, Hayner, Nelson, Peterson, Williams.

Reengrossed House Bill No. 271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 659, by Committee on Judiciary (Originally sponsored by Representatives Newhouse, Knowles, Curtis, Bond, Eikenberry, Greengo, Hayner, Hendricks, Leckenby, Matthews, Nelson and Wilson):

Prescribing changes to the law against discrimination.

The bill was read the second time.

On motion of Mr. Eikenberry, the following amendments by Representatives Charette and Eikenberry were adopted:

On page 1, line 16 strike all of section 1 and insert:

"Section 1. Section 4, chapter 167, Laws of 1969 ex. sess. as last amended by section 1, chapter 145, Laws of 1975 1st ex. sess. and RCW 49.60.222 are each amended to read as follows:

It is an unfair practice for any person, whether acting for himself or another, because of sex, marital status, race, creed, color or national origin:

- (1) To refuse to engage in a real estate transaction with a person;
- (2) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) To refuse to negotiate for a real estate transaction with a person;
- (5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;
- (6) To print, circulate, post or mail or cause to be so published a statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;
- (7) To offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (8) To expel a person from occupancy of real property;
- (9) To discriminate in the course of negotiating, executing or financing a real estate transaction whether by mortgage, deed of trust, contract or other instrument imposing a lien or other security in real property or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction(~~(--Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions));~~ or
- (10) To attempt to do any of the unfair practices defined in this section.

Notwithstanding any other provision of law, it shall not be an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls or other student housing to persons of one sex or to make distinctions on the basis of marital or family status.

Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions.

Nothing in this section shall prohibit the owner-lessee of no more than one single family dwelling unit or of a dormitory or boarding house from discriminating as to occupancy therein on the basis of sex or marital status.

In addition to the foregoing exception, nothing in this section shall prohibit the owner-lessee of two or more dwelling units from limiting any rental or lease occupancy or unit to one married couple or to one individual or two or more individuals of the same sex only: PROVIDED, That such limitation is the consistent written policy of the landlord as to the premises involved."

In the title, page 1, line 2 after "as" strike everything through "1973" on line 3 and insert "last amended by section 1, chapter 145, Laws of 1975 1st ex. sess."

Engrossed Substitute House Bill No. 659 was ordered reengrossed.

On motion of Mr. Randall, the rules were suspended, the second reading considered the third, and Reengrossed Substitute House Bill No. 659 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 659, and the bill passed the House by the following vote: Yeas, 88; nays, 6; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Conner, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Luders, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Bausch, Cochrane, Douthwaite, Hawkins, Lee, Warnke.

Not voting: Representatives Lysen, Nelson, Williams.

Reengrossed Substitute House Bill No. 659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Let the record show that I intended to vote "No" on Reengrossed Substitute House Bill No. 659.

JAMES M. BOLDT, 8th District.

ENGROSSED HOUSE BILL NO. 687, by Representatives Hansen, Flanagan, Bauer, Kilbury and Lysen:

Providing for exemption of irrigation equipment from sales and use tax.

The bill was read the second time.

On motion of Mr. Eikenberry, the following amendments by Representatives Charette and Eikenberry were adopted:

On page 2, beginning on line 35 strike all of sections 2 and 3 and insert:

"Sec. 2. 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 non-resident, 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 irrigation equipment after a tax has been paid on the original purchase, and the equipment is sold as part of the transaction involving purchase and sale of the land upon which the irrigation equipment is located, and for which the value thereof is part of the consideration in determining the sale price of the land.

Sec. 3. 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 non-resident 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 national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 RCW or chapter 82.12 RCW;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

(22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans ordered by (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 irrigation equipment after a tax has been paid on the original purchase, and the equipment was purchased as part of the transaction involving the acquisition of land upon which the equipment is utilized, and for which the value thereof was part of the consideration in determining the sale price of the land."

In the title, on page 1, line 5 after "section" strike "1, chapter 185, Laws of 1974" and insert "10, chapter 291, Laws of 1975 1st"

In the title, on page 1, line 7 after "section" strike "2, chapter 185, Laws of 1974" and insert "11, chapter 291, Laws of 1975 1st"

Engrossed House Bill No. 687 was ordered reengrossed.

On motion of Mr. Randall, the rules were suspended, the second reading considered the third, and Reengrossed House Bill No. 687 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 687, and the bill passed the House by the following vote: Yeas, 89; nays, 3; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Luders, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Wilson, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Eng, Warnke, Wojahn.

Not voting: Representatives Blair, Lysen, Nelson, Patterson, Williams.

Reengrossed House Bill No. 687, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 1037, by Representatives Bagnariol, Pardini, Erickson, Sommers and Randall:

Imposing a special tax on coin-operated gambling devices.

The bill was read the second time.

On motion of Mr. Eikenberry, the following amendment by Representatives Charette and Eikenberry was adopted:

On page 2, line 15 strike "1975" and insert "1976"

Engrossed House Bill No. 1037 was ordered reengrossed.

On motion of Mr. Randall, the rules were suspended, the second reading considered the third, and Reengrossed House Bill No. 1037 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 1037, and the bill passed the House by the following vote: Yeas, 91; nays, 2; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Luders, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Bond, Paris.

Not voting: Representatives Lysen, Nelson, Valle, Williams.

Reengrossed House Bill No. 1037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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.

The bill was read the second time.

The Clerk read the following amendment by Representatives Charette and Eikenberry:

On page 3, beginning on line 5 strike all of section 3 and insert:

"Sec. 3. Section 14, chapter 72, Laws of 1967 as amended by section 2, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.94.140 are each amended to read as follows:

Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate and control it and to fix, alter, regulate and control the rates and charges for

the service to those to whom such county service is available, and to levy charges for connection to such system. The rates for availability of service and connection charges so charged must be uniform for the same class of customers or service.

In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the board may consider any or all of the following factors:

- (1) The difference in cost of service to the various customers within or without the area;
 - (2) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;
 - (3) The different character of the service furnished various customers;
 - (4) The quantity and quality of the sewage and/or water delivered and the time of its delivery;
 - (5) Capital contributions made to the system or systems, including, but not limited to, assessments;
- ((and))
- (6) Conditions of low income and age of the customer; and
 - (7) Any other matters which present a reasonable difference as a ground for distinction.

Such rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system."

MOTION

On motion of Mr. Conner, further action on Substitute House Bill No. 1100 was deferred, and the bill was ordered held for tomorrow's second reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 496, by Committee on Judiciary (Originally sponsored by Representatives Knowles, Seeberger, Gaspard, Newhouse and Hanna - by Executive request):

Enacting the Juvenile Justice Act of 1975.

The bill was read the second time.

On motion of Mr. Eikenberry, the following amendments by Representatives Charette and Eikenberry were adopted:

Beginning on page 46, line 27 strike all of sections 49 and 50 and renumber the remaining sections consecutively.

Beginning on page 48, line 26 strike all of section 52 and renumber the remaining sections consecutively.

Beginning on page 50, line 27 strike all of section 54 and insert:

"Sec. 54. Section 5, chapter 13, Laws of 1965 as last amended by section 5, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible occurrence of child abuse or neglect, it shall be the duty of the law enforcement agency or the department of social and health services to investigate and provide the child protective services section with a report in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court. ((Notwithstanding the provisions of RCW 13.04.130 as now or hereafter amended, the law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child at the time the child was taken into custody:))"

In the title, page 1, line 1 after "courts;" strike everything down through "10.01.112;" on line 5

In the title, page 1, line 8 after "13.06.020;" strike everything down through "26.44.020;" on line 11

In the title, page 1, line 12 after "section" strike "15, chapter 302, Laws of 1971" and insert "5, chapter 217, Laws of 1975 1st"

Engrossed Substitute House Bill No. 496 was ordered reengrossed.

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and Reengrossed Substitute House Bill No. 496 was placed on final passage.

Mr. Seeberger spoke in favor of passage of the bill, and Mr. Eikenberry spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 496, and the bill passed the House by the following vote: Yeas, 68; nays, 26; not voting, 3.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Luders, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Hayner, Hurley M., Juelling, Kuehnle, Lee, Matthews, Newhouse, Pardini, Paris, Patterson, Polk, Schumaker, Wilson, Zimmerman.

Not voting: Representatives Lysen, Nelson, Williams.

Reengrossed Substitute House Bill No. 496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Charette moved that action on Senate Concurrent Resolution No. 125 be deferred and the resolution be placed on the calendar for tomorrow.

Representative Charette spoke in favor of the motion and Representatives Pardini and Eikenberry spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion by Mr. Charette to defer action on Senate Concurrent Resolution No. 125 until tomorrow, and the motion was carried by the following vote: Yeas, 60; nays, 33; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Luders, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Berentson, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Juelling, Kuehnle, Leckenby, Lee, Matthews, Newhouse, Pardini, Paris, Patterson, Peterson, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Lysen, Nelson, Polk, Williams.

THIRD READING

ENGROSSED HOUSE BILL NO. 971, by Representatives Randall, Pardini, Sommers and Newhouse:

Pertaining to taxation of leasehold interests.

On motion of Mr. Randall, the rules were suspended, and Engrossed House Bill No. 971 was returned to second reading for the purpose of amendment.

On motion of Mr. Randall, further action on Engrossed House Bill No. 971 was deferred, and the bill was ordered placed on tomorrow's second reading calendar.

MOTIONS

On motion of Mr. Thompson, House Bill No. 1139 was rereferred from Committee on Social and Health Services to Committee on Ecology.

On motion of Mr. Thompson, House Bill No. 1245 was rereferred from Committee on Judiciary to Committee on Ecology.

On motion of Mr. Thompson, House Bill No. 1255 was rereferred from Committee on Ways and Means - Appropriations to Committee on Local Government.

On motion of Mr. Thompson, House Bill No. 1259 was rereferred from Committee on Ecology to Committee on Agriculture.

On motion of Mr. Thompson, House Bill No. 1297 was rereferred from Committee on State Government to Committee on Local Government.

On motion of Mr. Thompson, House Joint Resolution No. 65 was rereferred from Committee on State Government to Committee on Ways and Means - Revenue.

On motion of Mr. Thompson, House Joint Resolution No. 67 was rereferred from Committee on Constitution and Elections to Committee on State Government.

Mr. Charette assumed the Chair.

RESOLUTIONS

HOUSE RESOLUTION NO. 75-65 by Representatives Conner, O'Brien, Newhouse, Curtis, Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair,

Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn and Zimmerman:

WHEREAS, Charles R. Savage, Representative from our 24th District of the State of Washington, passed away on the morning of January fourteenth, nineteen hundred and seventy-six A.D.; and

WHEREAS, Mr. Savage, "Charlie" to all of us in this Chamber which he loved so well, serving the people of Clallam, Jefferson, Mason and Thurston counties in this his thirteenth term, was a man not only serving his constituents in an impeccable manner, but living the highest standards society has set forth for the twentieth century, standing for the rights of every person irrespective of birth, the color of their skin, the nature of their religious beliefs or philosophy, or their economic status; believing in the rights of business while balancing such rights with those of the workers in such business; believing in the conservation of resources, human or otherwise; refusing to dismiss a problem regardless of its nature but seeking the answer; not afraid of an issue because it was new or controversial, and never too busy to render his services to any of his fellow citizens, for where "Charlie" was concerned, there were no priorities in his time when help was needed;

WHEREAS, Having served as a Congressman from the 3rd Congressional District, Charles Savage, upon his return to his community, continued his life in service to his fellow men, especially laboring for the working man, the teacher, the logger, the fisherman, the small farmers, and the white collar workers of his district; and aware of the hardships that could befall each human being, he appreciated more than most the economic and social improvements he witnessed during the succeeding years;

NOW THEREFORE, BE IT RESOLVED, By the Members of this House of Representatives of this Forty-fourth Legislative Session of the State of Washington, That with a deep sense of personal loss, we do extend to Mrs. Helen Savage, his widow, and Mr. Keith Savage, his son, and Mrs. Leona Osterman, his daughter, our deep sympathy in this time of bereavement; but let us not forget that Charles Savage, whether as Congressman, Representative, or plain citizen, leaves behind for all of us who knew him, or knew of him, that example of principle and service that will ever keep his name alive in this House and State in which he so generously gave of his talents; and in that community of which he was so much a part, his concern for his fellow man will ever be a monument to his name.

AND BE IT FURTHER RESOLVED, That copies of this Resolution be prepared by the Chief Clerk of this House and be transmitted to Mrs. Helen Savage, Mr. Keith Savage and to Mrs. Leona Osterman.

Mr. Conner moved adoption of the resolution.

Representatives O'Brien, Curtis and Hurley (George) spoke in favor of the resolution, and it was adopted.

The House stood for a moment in silent tribute to Representative Charles Savage.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:30 a.m., Friday, January 16, 1976.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

TWELFTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, January 16, 1976.

The House was called to order at 10:30 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Haley and Nelson, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Karen Hansey and Wayne Bell. Prayer was offered by the Reverend Charles Loyer of the Westminster Presbyterian Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

SPEAKER'S PRIVILEGE

The Speaker recognized within the bar of the House three members of the Minnesota Legislature, and appointed Representatives Charette, Valle, Pardini, Berentson, Bagnariol and Wojahn to escort them to the rostrum.

The Speaker introduced Representative Martin O. Sabo, Speaker of the Minnesota House of Representatives, Representative Henry J. Savelkoul and Representative William "Bill" D. Dean. Speaker Sabo briefly addressed the House.

The Speaker requested the special committee to escort the guests from the House Chamber.

MESSAGE FROM THE SENATE

January 15, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 2983,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1403, by Representatives Adams and Pardini (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; repealing section 1, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.010; repealing section 2, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.020; repealing section 3, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.030; repealing section 4, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.040; repealing section 5, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.050; repealing section 6, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.060; repealing section 7, chapter 258, Laws of 1975 1st ex. sess. and RCW 43.83G.900; and declaring an emergency.

To Committee on Social and Health Services

HOUSE BILL NO. 1404, by Representatives Boldt and Chandler:

AN ACT Relating to school district real property; and amending section 2, chapter 243, Laws of 1975 1st ex. sess. and RCW 28A.58.0461.

To Committee on Education

HOUSE BILL NO. 1405, by Representatives Warnke, Blair, Sommers and Freeman:

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.030; amending section 8, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.080; amending section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120,

Laws of 1974 ex. sess. and RCW 41.26.120; amending section 13, chapter 209, Laws of 1969 ex. sess. as amended by section 8, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.130; amending section 14, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.140; amending section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 11, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.150; amending section 24, chapter 209, Laws of 1969 ex. sess. as last amended by section 13, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.240; and adding new sections to chapter 41.26 RCW.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1406, by Representatives Boldt and Kuehnle:

AN ACT Relating to theft; adding a new section to chapter 260, Laws of 1975 1st ex. sess. and to chapter 9A.56 RCW; defining crimes; and prescribing penalties.

To Committee on Commerce

HOUSE BILL NO. 1407, by Representatives Warnke, Blair, Sommers, Freeman and Pardini:

AN ACT Relating to 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 1, chapter 68, Laws of 1970 ex. sess. as last amended by section 1, chapter 14, Laws of 1973 2nd ex. sess. and RCW 41.40.195; amending section 19, chapter 274, Laws of 1947 as last amended by section 7, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.180; amending section 1, chapter 274, Laws of 1947 as last amended by section 2, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.010; 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; amending section 43, chapter 274, Laws of 1947 as last amended by section 12, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.410; adding new sections to chapter 41.40 RCW; and declaring an emergency.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1408, by Representatives Warnke, Pardini, Gaines, Freeman and Hayner:

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.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1409, by Representatives King and Fischer:

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

To Committee on Labor

HOUSE BILL NO. 1410, by Representative Hanna:

AN ACT Relating to specialized forest products; amending section 4, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.030; amending section 8, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.070; amending section 10, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.090; and amending section 12, chapter 47, Laws of 1967 ex. sess. and RCW 76.48.110.

To Committee on Natural Resources

HOUSE BILL NO. 1411, by Representatives Bagnariol, Hanna, Parker and Leckenby:

AN ACT Relating to state government; creating a department of rehabilitation; 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 6, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.060; amending section 43, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.320; amending section 44, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.505; amending section 45, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.510; amending section 28A.10.010, chapter 223, Laws of 1969 ex. sess. as amended by section 52, chapter 18, Laws of 1970 ex. sess. and RCW 28A.10.010; amending section 46, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.515; amending section 1, chapter 59, Laws of 1967 and RCW 74.16.181; adding a new chapter to Title 43 RCW; repealing section 40, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.300; repealing section 42, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.310; and repealing section 52, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.050.

To Committee on State Government

HOUSE BILL NO. 1412, by Representatives Hurley (Margaret), Pardini and Conner (by Parks and Recreation Commission request):

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.

To Committee on Parks and Recreation

HOUSE BILL NO. 1413, by Representatives Smith (Rick), Moreau, Becker, Perry, King, Douthwaite, Thompson, Haussler, Laughlin, Kilbury, Valle, Bauer, Hawkins and Hanna:

AN ACT Relating to appropriations; and declaring an emergency.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1414, by Representatives Nelson, Luders, Kuehnle, Haussler, Wilson and Laughlin:

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

To Committee on Local Government

HOUSE BILL NO. 1415, by Representative Smith (Rick):

AN ACT Relating to retail installment sales; and adding a new section to chapter 63.14 RCW.

To Committee on Commerce

HOUSE BILL NO. 1416, by Representative Bauer (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.02RCW.

To Committee on Education

HOUSE BILL NO. 1417, by Representatives Peterson, Becker, Fischer, Hanna, Deccio and Fortson:

AN ACT Relating to child welfare services; amending section 72.05.150, chapter 28, Laws of 1959 and RCW 72.05.150; and 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.

To Committee on Social and Health Services

HOUSE BILL NO. 1418, by Representatives Bauer, Brown and Bender (by Superintendent of Public Instruction request):

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; creating new sections; 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.

To Committee on Education

HOUSE BILL NO. 1419, by Representatives Hanna, Fischer and Laughlin:

AN ACT Relating to driving a motor vehicle while under the influence of liquor or drugs; 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; and providing penalties.

To Committee on Social and Health Services

HOUSE BILL NO. 1420, by Representatives Fischer, Becker, Hanna and Deccio:

AN ACT Relating to the work or treatment release program; amending section 1, chapter 17, Laws of 1967 and RCW 72.65.010; amending section 2, chapter 17, Laws of 1967 and RCW 72.65.020; amending section 3, chapter 17, Laws of 1967 and RCW 72.65.030; amending section 4, chapter 17, Laws of 1967 and RCW 72.65.040; amending section 5, chapter 17, Laws of 1967 and RCW 72.65.050; amending section 6, chapter 17, Laws of 1967 and RCW 72.65.060; amending section 7, chapter 17, Laws of 1967 and RCW 72.65.070; amending section 8, chapter 17, Laws of 1967 as amended by section 1, chapter 109, Laws of 1969 and RCW 72.65.080; amending section 9, chapter 17, Laws of 1967 and RCW 72.65.090; amending section 10, chapter 17, Laws of 1967 and RCW 72.65.100; amending section 11, chapter 17, Laws of 1967 and RCW 72.65.110; amending section 12, chapter 17, Laws of 1967 and RCW 72.65.120; and amending section 13, chapter 17, Laws of 1967 as amended by section 1, chapter 58, Laws of 1971 ex. sess. and RCW 72.65.130.

To Committee on Social and Health Services.

HOUSE BILL NO. 1421, by Representatives Charnley, Haley, Adams, Hendricks, Parker, Hurley (George) and Randall:

AN ACT Relating to revenue and taxation; 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.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1422, by Representative Bagnariol:

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.

To Committee on Education

HOUSE BILL NO. 1423, by Representatives Lee, McCormick, Bond, Gallagher, Deccio, Bausch, Hansen and Hansey:

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.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1424, by Representatives Gallagher, Jueling, McCormick and Gaines:

AN ACT Relating to motor vehicle tow trucks; adding a new chapter to Title 81 RCW; creating new sections; providing penalties; and prescribing an effective date.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1425, by Representatives Brown, Fortson and Laughlin:

AN ACT Relating to the Washington state teachers' retirement system; amending section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.260; amending section 30, chapter 80, Laws of 1947 as last amended by section 5, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.300; and creating a new section.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1426, by Representatives Blair and Sommers:

AN ACT Relating to retirement plans of certain institutions of higher education; and amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 212, Laws of 1975 1st ex. sess. and RCW 28B.10.400.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1427, by Representative Conner:

AN ACT Relating to the authorization of sale of shorelands in Clallam County; and creating a new section.

To Committee on Natural Resources

HOUSE BILL NO. 1428, by Representative Conner:

AN ACT Relating to boxing and wrestling; amending section 2, chapter 184, Laws of 1933 as amended by section 1, chapter 305, Laws of 1959 and RCW 67.08.003; amending section 2, chapter 48, Laws of 1951 as last amended by section 1, chapter 1, Laws of 1975 and RCW 67.08.015; amending section 10, chapter 184, Laws of 1933 and RCW 67.08.040; amending section 15, chapter 184, Laws of 1933 and RCW 67.08.090; and repealing section 13, chapter 184, Laws of 1933 and RCW 67.08.070.

To Committee on Commerce

HOUSE BILL NO. 1429, by Representative Peterson:

AN ACT Relating to veterans; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.100; amending section 1, chapter 269, Laws of 1969 ex. sess. and RCW 41.04.005; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150; adding a new section to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; repealing section 1, chapter 189, Laws of 1945, section 1, chapter 119, Laws of 1947, section 1, chapter 134, Laws of 1949, section 1, chapter 9, Laws of 1953 ex. sess., section 2, chapter 269, Laws of 1969 ex. sess., section 1, chapter 170, Laws of 1974 ex. sess. and RCW 41.04.010; repealing section 1, chapter 84, Laws of 1895, section 1, chapter 129, Laws of 1915, section 1, chapter 26, Laws of 1919, section 1, chapter 141, Laws of 1943, section 1, chapter 29,

Laws of 1951, section 107, chapter 154, Laws of 1973 1st ex. sess., section 1, chapter 198, Laws of 1975 1st ex. sess. and RCW 73.16.010; repealing section 2, chapter 29, Laws of 1951 and RCW 73.16.015; and repealing section 2, chapter 84, Laws of 1895 and RCW 73.16.020.

To Committee on State Government

HOUSE BILL NO. 1430, by Representatives King, Sommers, Smith (Rick), Bender, Laughlin and Erickson:

AN ACT Relating to public officials; 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; adding a new section to chapter 42.17 RCW; and providing for a referendum to the people.

To Committee on Constitution and Elections

HOUSE BILL NO. 1431, by Representatives Eikenberry, Hayner, Berentson and Deccio:

AN ACT Relating to punishment of felonies; amending section 9A.20.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.020; and providing penalties.

To Committee on Judiciary

HOUSE BILL NO. 1432, by Representatives Erickson, Ehlers and Laughlin:

AN ACT Relating to revenue and taxation; 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; and prescribing an effective date.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1433, by Representatives Douthwaite, Leckenby, Charnley, Valle, Moon, Zimmerman and Thompson:

AN ACT Relating to revenue and taxation; and amending section 84.36.090, chapter 15, Laws of 1961 and RCW 84.36.090.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1434, by Representatives Hansen and Gilleland:

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.

To Committee on Transportation and Utilities

HOUSE JOINT RESOLUTION NO. 71, by Representatives O'Brien and Laughlin:

Authorizing income tax; exempting food from sales tax; reducing business and occupation and sales taxes.

To Committee on Ways and Means - Revenue

ENGROSSED SENATE BILL NO. 2983, by Senators Woody, Bluechel, Guess, Knoblauch, Peterson and Henry:

Permitting school transportation contracts to cover periods of up to five years.

To Committee on Education

MOTION

On motion of Mr. Thompson, all bills listed on today's agenda under the fourth order of business were referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 14, 1976

HOUSE BILL NO. 1244, Prime Sponsor: Representative Conner, authorizing coroners to provide corneal tissue from decedents to eye banks under certain conditions. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7 strike "transplant" and insert "transplantation"

On page 1, line 7 strike "his"

On page 1, line 8 after "his" insert "her"

On page 1, line 13 strike "transplant" and insert "transplantation"

Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Becker, Fischer, Fortson, Hanna, Hendricks, Peterson, Tilly, Whiteside, Lux.

MINORITY recommendation: Do not pass. Signed by Representatives Eng, Greengo.
To Committee on Rules for second reading.

January 14, 1976

HOUSE BILL NO. 1273, Prime Sponsor: Representative Adams, establishing a criterion for certification of death. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Bauer, Eng, Fischer, Fortson, Greengo, Hanna, Hendricks, Lux, May, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

January 14, 1976

HOUSE BILL NO. 1373, Prime Sponsor: Representative McCormick, establishing the energy facility site evaluation council. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass with the following amendments:

On page 6, line 30 after "site" add the following ". 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."

On page 9, line 33 after "act" insert "; and a new subsection as follows:

"(f) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010"

Signed by Representatives Perry, Chairman; Barnes, Bond, Berentson, Ceccarelli, Chandler, Charnley, Douthwaite, Dunlap, Gaines, Gallagher, Gilleland, Hansen, Kalich, Laughlin, Leckenby, Lee, Lysen, McCormick, Patterson, Schumaker, Wilson.

To Committee on Rules for second reading.

January 14, 1976

HOUSE BILL NO. 1377, Prime Sponsor: Representative Kalich, enacting emergency energy powers. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Perry, Chairman; Barnes, Bender, Berentson, Bond, Ceccarelli, Chandler, Charnley, Clemente, Douthwaite, Dunlap, Gaines, Gallagher, Gilleland, Hansen, Hayner, Kalich, Laughlin, Leckenby, Lee, Lysen, McCormick, Patterson, Seberger, Sherman, Wilson.

To Committee on Rules for second reading.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

On motion of Mr. Charette, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 44, BY Representative Charette:

Joint Session for purposes of canvassing the vote for Secretary of State and receiving message from Governor.

On motion of Mr. Charette, the rules were suspended, the second reading considered the third, and House Concurrent Resolution No. 44 was advanced to second reading and read the second time in full.

On motion of Mr. Charette, the rules were suspended, the second reading considered the third, and House Concurrent Resolution No. 44 was placed on final passage.

The resolution was adopted.

MOTIONS

On motion of Mr. Thompson, House Bill No. 1275 was referred from Committee on Judiciary to Committee on Social and Health Services.

On motion of Mr. Thompson, House Bill No. 1322 was rereferred from Committee on Transportation and Utilities to Committee on Local Government.

On motion of Mr. Thompson, House Bill No. 1394 was rereferred from Committee on Judiciary to Committee on Transportation and Utilities.

On motion of Mr. Thompson, House Bill No. 1398 was rereferred from Committee on Social and Health Services to Committee on Ecology.

On motion of Mr. Charette, the House adjourned until 12:30 p.m., Monday, January 19, 1976. ,

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

FIFTEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wash., Monday, January 19, 1976.

The House was called to order at 12:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Koen Madsen and David Arbaugh. Prayer was offered by the Reverend Glen D. Cole of Evergreen Christian Center of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

January 16, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 2995,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1435, by Representatives Newhouse and Conner:

AN ACT Relating to the age limitation on the office of chief of the Washington state patrol; and amending section 43.43.250, chapter 8, Laws of 1965 as amended by section 3, chapter 12, Laws of 1969 and RCW 43.43.250.

To Committee on State Government

HOUSE BILL NO. 1436, by Representatives Wojahn, Jueling and May:

AN ACT Relating to electricians; amending section 1, chapter 206, Laws of 1973 1st ex. sess. as amended by section 1, chapter 70, Laws of 1975 1st ex. sess. and RCW 18.37.010; amending section 2, chapter 206, Laws of 1973 1st ex. sess. as amended by section 2, chapter 70, Laws of 1975 1st ex. sess. and RCW 18.37.020; amending section 3, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.030; amending section 4, chapter 206, Laws of 1973 1st ex. sess. as amended by section 3, chapter 70, Laws of 1975 1st ex. sess. and RCW 18.37.040; amending section 5, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.050; amending section 6, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.060; amending section 8, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.080; and amending section 9, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.090.

To Committee on Commerce

HOUSE BILL NO. 1437, by Representatives Wojahn, Brown, Patterson, Douthwaite, Laughlin and Hanna:

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.

To Committee on Commerce

HOUSE BILL NO. 1438, by Representative Hansey:

AN ACT Relating to revisions of tariffs of the toll bridge authority; adding a new section to chapter 47.56 RCW; adding a new section to chapter 47.58 RCW; and adding a new section to chapter 47.60 RCW.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1439, by Representatives Moreau, Charnley, Zimmerman, Wojahn and Laughlin:

AN ACT Relating to community colleges; amending section 187, chapter 269, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency.

To Committee on Higher Education

HOUSE BILL NO. 1440, by Representatives Moreau and Patterson (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to institutions of higher education; providing for the acquisition, construction, remodeling, furnishing and equipping of certain state buildings and facilities for said institutions of higher education and the financing thereof by the issuance of bonds, including bond anticipation notes; creating new sections; adding new sections to Title 28B RCW as a new chapter thereof; and declaring an emergency.

To Committee on Higher Education

HOUSE BILL NO. 1441, by Representatives Charette, Smith (Edward), Thompson, Polk, Gaines and Ceccarelli (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to community colleges; authorizing the issuance and sale of state general obligation bonds, including bond anticipation notes, to fund community college capital projects; providing ways and means for the payment of the principal of and interest on such bonds and notes; creating new sections; adding new sections as a new chapter to Title 28B RCW; and declaring an emergency.

To Committee on Higher Education

HOUSE BILL NO. 1442, by Representatives Zimmerman, Pardini, Lee, Wilson, Bauer, Kalich, Clemente and Freeman:

AN ACT Relating to crimes; and adding a new section to chapter 9.95 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1443, by Representatives Martinis and Matthews (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, improving, and equipping of fisheries facilities; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

To Committee on Natural Resources

HOUSE BILL NO. 1444, by Representatives Warnke, Blair and Bagnariol (by Office of Program Planning and Fiscal Management request):

An ACT Relating to the Washington state teachers' retirement system; and amended section 10, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.4982.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1445, by Representatives Charnley, Moreau, Nelson, Zimmerman, Wojahn and Laughlin:

AN ACT Relating to higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; creating new sections; declaring an emergency; and providing for the termination of the act's provisions.

To Committee on Higher Education

HOUSE BILL NO. 1446, by Representative Haley:

AN ACT Relating to boxing; and amending section 13, chapter 184, Laws of 1933 and RCW 67.08.070.

To Committee on Commerce

HOUSE BILL NO. 1447, by Representatives Boldt, Hansen, Flanagan, Deccio, Tilly, Erickson, Laughlin, Kilbury and Hayner:

AN ACT Relating to water resources; 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.

To Committee on Agriculture

HOUSE BILL NO. 1448, by Representatives Gaines, Lysen, Ehlers, Martinis, Warnke, Parker, Smith (Edward), Kalich, Hurley (George), Charnley, Fortson, Sherman and Ceccarelli:

AN ACT Relating to utility rates; and adding a new section to chapter 268, Laws of 1975 1st ex. sess. and to chapter 44.40 RCW.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1449, by Representatives Bagnariol, Maxie, Eng, Wojahn and Ceccarelli:

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.

To Committee on Financial Institutions

HOUSE BILL NO. 1450, by Representatives Bagnariol, Maxie, Eng, Wojahn and Ceccarelli:

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.

To Committee on Financial Institutions

HOUSE BILL NO. 1451, by Representatives Hayner, Eikenberry and Knowles:

AN ACT Relating to reports of the state toxicologist; and amending section 1, chapter 270, Laws of 1971 ex. sess. and RCW 46.52.065.

To Committee on Judiciary

HOUSE BILL NO. 1452, by Representatives Fortson and Fischer:

AN ACT Relating to food fish and shellfish.

To Committee on Natural Resources

HOUSE BILL NO. 1453, by Representatives Wojahn, Jastad, McCormick, Becker, Charnley, Fischer and Laughlin:

AN ACT Relating to first aid; and adding new sections to chapter 51.36 RCW.

To Committee on Labor

HOUSE BILL NO. 1454, by Representatives Cochrane, Adams, Hawkins, Sherman and Becker:

AN ACT Relating to nursing homes; creating a new chapter in Title 18 RCW; prescribing penalties; and making an appropriation.

To Committee on Social and Health Services

HOUSE BILL NO. 1455, by Representatives Fortson and Fischer:

AN ACT Relating to food fish and shellfish.

To Committee on Natural Resources

HOUSE BILL NO. 1456, by Representatives Cochrane, Sherman, Hawkins and Kilbury:

AN ACT Relating to restaurants; and adding a new section to chapter 19.48 RCW.

To Committee on Commerce

HOUSE BILL NO. 1457, by Representatives Hayner, Polk, Erickson and Chandler:

AN ACT Relating to precinct election officers; amending section 29.45.010, chapter 9, Laws of 1965 as amended by section 1, chapter 101, Laws of 1965 ex. sess. and RCW 29.45.010; amending section 29.45.020, chapter 9, Laws of 1965 as amended by section 2, chapter 101, Laws of 1975 ex. sess. and RCW 29.45.020; amending section 29.45.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 102, Laws of 1973 and RCW 29.45.050; and amending section 29.48.020, chapter 9, Laws of

1965 and RCW 29.48.020.

To Committee on Constitution and Elections

HOUSE BILL NO. 1458, by Representative King:

AN ACT Relating to elections and election campaigns of state officials and legislators; making provision for partial public funding of campaign costs; limiting utilization of mass mailings; amending section 35, chapter 1, Laws of 1973 as amended by section 23, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.350; adding a new chapter to Title 42 RCW; and prescribing penalties.

To Committee on Constitution and Elections

HOUSE BILL NO. 1459, by Representatives Bagnariol, Randall and Erickson:

AN ACT Relating to revenue and taxation; 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; and declaring an emergency.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1460, by Representatives Kilbury, Amen and Haussler:

AN ACT Relating to agriculture; amending section 24, chapter 63, Laws of 1969 and RCW 15.49.240; amending section 38, chapter 63, Laws of 1969 and RCW 15.49.380; amending section 39, chapter 63, Laws of 1969 and RCW 15.49.390; amending section 40, chapter 63, Laws of 1969 and RCW 15.49.400; amending section 18, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.180; amending section 19, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.190; amending section 21, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.210; amending section 22, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.220; amending section 4, chapter 121, Laws of 1949 and RCW 19.04.040; amending section 7, chapter 121, Laws of 1949 and RCW 19.04.070; amending section 5, chapter 137, Laws of 1937 as amended by section 44, chapter 240, Laws of 1967 and RCW 69.12.050; and adding a new section to chapter 63, Laws of 1969 and to chapter 15.49 RCW.

To Committee on Agriculture

HOUSE BILL NO. 1461, by Representatives North and Berentson:

AN ACT Relating to public contracts; amending section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 230, Laws of 1975 1st ex. sess. and RCW 36.32.250; and declaring an emergency.

To Committee on Local Government

HOUSE BILL NO. 1462, by Representatives Knowles, Hayner and Wojahn (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.

To Committee on Judiciary

HOUSE BILL NO. 1463, by Representatives Knowles, Hayner and Wojahn (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.

To Committee on Judiciary

HOUSE BILL NO. 1464, by Representatives Maxie and Eikenberry:

AN ACT Relating to superior courts; 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.

To Committee on Judiciary

HOUSE BILL NO. 1465, by Representatives Knowles and Wojahn (by Judicial Council request):

AN ACT Relating to civil procedure; amending section 1, chapter 138, Laws of 1973 1st ex. sess. and RCW 4.22.010; amending section 2, chapter 138, Laws of 1973 1st ex. sess. and RCW 4.22.020; adding new sections to chapter 138, Laws of 1973 1st ex. sess. and to chapter 4.22 RCW; and declaring an

emergency.

To Committee on Judiciary

HOUSE BILL NO. 1466, by Representatives Knowles, Hayner and Wojahn (by Judicial Council request):

AN ACT Relating to civil procedure; and amending section 2, chapter 131, Laws of 1959 and RCW 4.28-.185.

To Committee on Judiciary

HOUSE BILL NO. 1467, by Representatives Gallagher, Erickson, Berentson and Hansen:

AN ACT Relating to mobile home movement permits; 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; and amending section 21, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.105.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1468, by Representatives Knowles, Hayner and Wojahn (by Judicial Council request):

AN ACT Relating to courts; amending section 1, chapter 126, Laws of 1913 as last amended by section 1, chapter 244, Laws of 1957 and RCW 2.32.180; and adding new sections to chapter 2.32 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1469, by Representatives Knowles, Wojahn and Hayner (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.

To Committee on Labor

HOUSE BILL NO. 1470, by Representatives Knowles, Ceccarelli, Adams, Pardini, Hayner, Seeberger, Parker and Bagnariol:

AN ACT Relating to civil actions and to discovery; amending section 1, chapter 80, Laws of 1971 and RCW 4.16.350; amending 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; adding a new section to chapter 4.28 RCW; adding a new section to chapter 4.56 RCW; and adding new sections to Title 5 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1471, by Representatives Flanagan, Hansen, Boldt and Hayner:

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.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1472, by Representatives Bauer, Hendricks, Gaspard and Brown (by Superintendent of Public Instruction request):

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.

To Committee on Local Government

HOUSE BILL NO. 1473, by Representatives Bauer, Hendricks, Gaspard, Brown and Laughlin (by Superintendent of Public Instruction request):

AN ACT Relating to counties; and amending section 36.29.010, chapter 4, Laws of 1963 and RCW 36.29-.010.

To Committee on Local Government

HOUSE BILL NO. 1474, by Representatives North, Moreau, Fortson, Moon, Nelson and Laughlin:

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.

To Committee on Local Government

HOUSE BILL NO. 1475, by Representatives Bauer, Hendricks, Gaspard, Brown and Laughlin (by Superintendent of Public Instruction request):

AN ACT Relating to revenue and taxation; amending section 84.56.280, chapter 15, Laws of 1961 and RCW 84.56.280; and providing penalties.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1476, by Representatives Bauer, Hendricks, Gaspard, Brown and Laughlin (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.

To Committee on Education

HOUSE BILL NO. 1477, by Representatives Bauer, Hendricks, Gaspard, Brown and Laughlin (by Superintendent of Public Instruction request):

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.

To Committee on Education

HOUSE JOINT RESOLUTION NO. 72, by Representative Hanna:

Deleting requirement for more than a simple majority to approve local tax levies.

To Committee on Constitution and Elections

HOUSE JOINT RESOLUTION NO. 73, by Representative Hanna:

Reducing requirement to simple majority of voters for local bond issues.

To Committee on Constitution and Elections

HOUSE CONCURRENT RESOLUTION NO. 45, by Representatives Hanna, Deccio, Fischer, Peterson and Becker:

Resolving that certain changes be implemented in the Washington state correctional system.

To Committee on Social and Health Services

HOUSE CONCURRENT RESOLUTION NO. 46, by Representatives Becker, Peterson, Fischer, Deccio, Hanna and Adams:

Resolving that certain changes be implemented in the office of juvenile rehabilitation of DSHS.

To Committee on Social and Health Services

ENGROSSED 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.

To Committee on Education

MOTION

On motion of Mr. Thompson, all bills listed on today's agenda under fourth order of business were ordered passed to the committees designated.

REPORTS OF STANDING COMMITTEES

January 16, 1976

HOUSE BILL NO. 993, Prime Sponsor: Representative Conner, regulating environmentally hazardous wastes. Reported by Committee on Ecology.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Valle, Chairwoman; Becker, Vice Chairwoman; Bauer, Chandler, Charnley, Douthwaite, Gallagher, Hansen, Hawkins, Lux, Zimmerman.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1259, Prime Sponsor: Representative Kilbury, making certain changes in the laws relating to agricultural water supplies. Reported by Committee on Agriculture.

MAJORITY recommendation: Do Pass. Signed by Representatives Kilbury, Chairman; Boldt, Vice Chairman; Amen, Becker, Deccio, Erickson, Flanagan, Hansen, Laughlin, Schumaker, Tilly.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1277, Prime Sponsor: Representative Fortson, establishing a geriatric health screening program. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means - Appropriations.

January 16, 1976

HOUSE BILL NO. 1286, Prime Sponsor: Representative Kilbury, amending irrigation district fiscal management procedures. Reported by Committee on Agriculture.

MAJORITY recommendation: Do Pass. Signed by Representatives Kilbury, Chairman; Boldt, Vice Chairman; Amen, Becker, Deccio, Erickson, Flanagan, Hansen, Laughlin, Schumaker, Tilly.

To Committee on Rules for second reading.

January 15, 1976

HOUSE BILL NO. 1292, Prime Sponsor: Representative Hansen, establishing a statutory depreciation schedule for determining taxation value of motor vehicles. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Perry, Chairman; Barnes, Bender, Bond, Ceccarelli, Clemente, Gaines, Gallagher, Gilleland, Hansen, Kalich, Leckenby, Lee, McCormick, Patterson, Schumaker, Seeberger, Sherman.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1310, Prime Sponsor: Representative Randall, repealing certain equalization of property valuation procedures. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: Do Pass. Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Bagnariol, Brown, Hawkins, Kilbury, Kuehnle, Nelson, Sommers.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1311, Prime Sponsor: Representative Randall, removing department of revenue mandatory audit requirement of the work of county assessors. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: Do pass. Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Bagnariol, Brown, Hawkins, Kilbury, Kuehnle, Nelson, Sommers.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1312, Prime Sponsor: Representative Fortson, expanding the foster grandparent and senior companion program. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means - Appropriations.

January 16, 1976

HOUSE BILL NO. 1316, Prime Sponsor: Representative Fortson, authorizing state funding of senior citizens' nutrition program. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means - Appropriations.

January 16, 1976

HOUSE BILL NO. 1324, Prime Sponsor: Representative Douthwaite, amending authority of first class cities to order public work in times of emergency. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass. Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Subcommittee Chairman; Laughlin, Subcommittee Chairman; Amen, Berentson, Blair, Cochrane, Eng, Fischer, Lee, McCormick, North, Paris, Smith (Edward), Whiteside.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1325, Prime Sponsor: Representative Douthwaite, exempting CETA workers from public works minimum bid requirements. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 10 after "limit" strike all material down to and including "more" on line 11, and insert "shall include but not be limited to the costs"

On page 1, line 23 strike "prohibited" and insert "specifically prohibited by federal statute"

Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Laughlin, Amen, Berentson, Blair, Cochrane, Eng, Fischer, Lee, McCormick, North, Paris, Smith (Edward).

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1336, Prime Sponsor: Representative Nelson, abolishing nonfunctioning advisory committees. Reported by Committee on State Government.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hendricks, Hurley (Margaret), Nelson, Williams.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1340, Prime Sponsor: Representative Smith (Rick), making lesser traffic law violations noncriminal offenses. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Hanna, Newhouse.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1344, Prime Sponsor: Representative Cochrane, 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, beginning on line 24 with "The" strike the remainder of the bill and insert a new section as follows:

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

On page 1, line 1 of the title after "protecting;" strike "and" and on line 2 after "RCW" insert "; and declaring an emergency"

Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Laughlin, Cochrane, Eng, Fischer, Lee, North, Paris, Smith (Edward).

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1356, Prime Sponsor: Representative Charette, pertaining to education; RCW corrections. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Eikenberry, Hanna, Maxie, Newhouse.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1357, Prime Sponsor: Representative Charette, relating to teachers' retirement; RCW correction. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Eikenberry, Hanna, Maxie, Newhouse.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1358, Prime Sponsor: Representative Charette, relating to state government; RCW corrections. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Eikenberry, Hanna, Maxie, Newhouse.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1359, Prime Sponsor: Representative Charette, relating to motor vehicles; RCW corrections. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Eikenberry, Hanna, Maxie, Newhouse.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1360, Prime Sponsor: Representative Charette, relating to industrial insurance; RCW correction. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Eikenberry, Hanna, Maxie, Newhouse.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1361, Prime Sponsor: Representative Charette, relating to alcoholic beverages; RCW corrections. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Hanna, Maxie, Newhouse.

To Committee on Rules for second reading.

January 15, 1976

HOUSE BILL NO. 1382, Prime Sponsor: Representative Hansen, making technical corrections for implementation of staggered vehicle registration periods. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Perry, Chairman; Barnes, Bender, Berentson, Bond, Ceccarelli, Chandler, Charnley, Clemente, Gaines, Gallagher, Gilleland, Hansen, Hayner, Kalich, Leckenby, Lee, McCormick, Patterson, Schumaker, Seeberger, Sherman, Wilson.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1386, Prime Sponsor: Representative Randall, providing for annual property revaluation by counties. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 1 after "improving" insert "and/or maintaining"

On page 2, line 17 after "real" insert "and/or personal"

On page 3, line 31 after "section" insert "and RCW 84.55.010"

On page 4, line 4 strike "purchasing or obtaining access to" and insert "directly or indirectly purchasing"

Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Bagnariol, Brown, Hawkins, Kilbury, Kuehnle, Nelson, Sommers.

To Committee on Rules for second reading.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1011, by Committee on Higher Education (Originally sponsored by Representatives Savage and Conner):

Permitting transfer of and preserving rights of academic personnel of community colleges working in correctional institutions if program transferred to another community college district.

The bill was read the second time.

The Clerk read the following amendments by Representatives Eikenberry and Charette:

On page 1, line 27 strike "1975" and insert "1976"

On page 1, line 30 strike "1975" and insert "1976"

MOTION

Mr. Thompson moved that further action on Substitute House Bill No. 1011 be deferred, and the bill be rereferred to Committee on Rules.

Representatives Thompson and Maxie spoke in favor of the motion, and it was carried.

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.

The bill was read the second time.

On motion of Mr. Eikenberry, the following amendments by Representatives Eikenberry and Charette were adopted:

On page 3, beginning on line 5 strike all of section 3 and insert:

"Sec. 3. Section 14, chapter 72, Laws of 1967 as amended by section 2, chapter 188, Laws of 1975 1st ex. sess. and RCW 36.94.140 are each amended to read as follows:

Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate and control it and to fix, alter, regulate and control the rates and charges for the service to those to whom such county service is available, and to levy charges for connection to such system. The rates for availability of service and connection charges so charged must be uniform for the same class of customers or service.

In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the board may consider any or all of the following factors:

(1) The difference in cost of service to the various customers within or without the area;
(2) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;

(3) The different character of the service furnished various customers;

(4) The quantity and quality of the sewage and/or water delivered and the time of its delivery;

(5) Capital contributions made to the system or systems, including, but not limited to, assessments;

((and))

(6) Conditions of low income and age of the customer; and

(7) Any other matters which present a reasonable difference as a ground for distinction.

Such rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system."

In the title, page 1, line 4 after "1967" and before "and" insert "as amended by section 2, chapter 188, Laws of 1975 1st ex. sess."

Substitute House Bill No. 1100 was ordered engrossed.

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and Engrossed Substitute House Bill No. 1100 was placed on final passage.

Mr. Perry spoke in favor of passage of the bill, and Mr. Newhouse spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1100, and the bill passed the House by the following vote: Yeas, 70; nays, 25; not voting, 2.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Haley, Hanna, Hansen, Hansey, Hawkins, Hayner, Hurley G. S., Hurley M., Kalich, Kilbury, King, Knowles, Laughlin, Lee, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Paris, Parker, Patterson, Perry, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Blair, Bond, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haussler, Hendricks, Jastad, Juelling, Kuehne, Leckenby, Matthews, Newhouse, Pardini, Peterson, Polk, Schumaker, Tilly.

Not voting: Representatives Randall, Zimmerman.

Engrossed Substitute House Bill No. 1100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 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.

The bill was read the second time.

Committee on Social and Health Services recommendation: Majority, do pass as amended. (For amendments, see Journal, Tenth Day, 2nd ex. sess., January 14, 1976.)

On motion of Mr. Adams, the committee amendments were adopted.

House Bill No. 1237 was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. Pardini, House Bill No. 1244 was ordered held for tomorrow's second reading calendar.

HOUSE BILL NO. 1271, by Representatives McKibbin, Hendricks, Sommers and Bender:

Creating a state energy office.

The bill was read the second time.

On motion of Ms. Sommers, Substitute House Bill No. 1271 was substituted for House Bill No. 1271, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1271 was read the second time.

MOTION

Mr. Berentson moved that further action on Substitute House Bill No. 1271 be deferred, and the bill be held for Thursday's second reading calendar.

Representatives Berentson and Polk spoke in favor of the motion, and Representatives Charette and Sommers spoke against it.

The motion was lost.

On motion of Ms. Sommers, the following amendments were adopted:

On page 3, line 6 after "section" strike "13" and insert "16"

On page 7, line 1 after "Violation of" strike "subsection (1) of this section" and insert "section 9 of this 1976 amendatory act"

On page 8, line 25 after "elective" strike "office in the state" and insert "state office"

Substitute House Bill No. 1271 was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. Charette, House Bill No. 1274 was rereferred to Committee on Ways and Means - Appropriations.

HOUSE BILL NO. 1373, by Representatives McCormick, Leckenby, Martinis, Gaines, Lysen, Barnes, Hayner, Charnley and Lee:

Establishing the energy facility site evaluation council.

The bill was read the second time.

Committee on Transportation and Utilities recommendation: Do pass as amended. (For amendments, see Journal, Twelfth Day, 2nd ex. sess., January 16, 1976.)

On motion of Mrs. McCormick, the committee amendments were adopted.

Mr. Douthwaite moved adoption of the following amendment by Representatives Douthwaite and Perry:

On page 9, line 27 strike "refineries or"

A division was demanded.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Douthwaite and Perry to House Bill No. 1373, and the amendment was adopted by the following vote: Yeas, 81; nays, 9; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gallagher, Gaspard, Greeno, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, King, Knowles, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Pardini, Paris, Patterson, Perry, Peterson, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Curtis, Flanagan, Gaines, Gilleland, Juelling, Kuehnle, Polk, Schumaker, Tilly.

Not voting: Representatives Haley, Kilbury, Matthews, Newhouse, Parker, Randall, and Mr. Speaker.

Mr. Douthwaite moved adoption of the following amendment by Representatives Douthwaite and Perry:

On page 9, line 33 after "act" insert ";" and a new subsection as follows:

"(g) Facilities which will result in the processing of more than fifty thousand barrels per day of petroleum into refined products"

Representatives Douthwaite and Leckenby spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Douthwaite yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "I don't know very much about oil refineries and I'm interested in knowing if a 50,000 barrel refinery is a small one or a large one? What size refineries do we presently have in operation in this state?"

Mr. Douthwaite: "We presently have about 340,000 barrel capacity in this state by four major refineries. The one that Arco has, I believe, is 98,000 barrels per day capacity, so a 50,000 barrel capacity is relatively small as they go today, medium to small."

Mr. Kuehnle: "Then I'm concerned about the language. If I were to design and start construction or attempt to start construction of a refinery, the capacity of which was designed to be 40,000 barrels a day, where would I then be under the language of this bill?"

Mr. Douthwaite: "You would be outside the purview of this with such a small refinery."

Mr. Kuehnle: "Well, would I have to go elsewhere for authority or can I just charge ahead and do it?"

Mr. Douthwaite: "The language on page 9, starting with line 6 spells out which of the facilities are included under the provisions of this act and the language on page 9, line 24 also refers to 50,000 barrels per day as being the threshold level. I would assume that if it were smaller than this that they would not be mandated under this act, but they would still probably fall under these provisions. They would not, of course, escape the requirements of the environmental impact statements or anything else, but there have been no rules made for small refineries here. I would yield to Mr. Perry."

Mr. Perry: "Really that's a key question that Mr. Kuehnle asks and I think it would really make this bill functional to have a one-stop agency. If they don't fall under the purview of this bill they have to go and get thirty-seven different permit applications. In other words, a 40,000, or under 50,000, barrel refinery would have to go through thirty-seven different functions with permits rather than be under this bill. The oil companies voluntarily came under this bill. They said that this is easier and more efficient than trying to go through thirty-seven procedures."

Mr. Kuehnle: "I think this is the point I'm trying to get at. I'm trying to determine whether a firm starting out to build a smaller refinery would then be precluded from operating under the concepts of this bill. Can they go this way or do they have to go the other way—through the thirty-seven agencies or whatever is involved? And the second question is a question of the refinery that may very well be built with a production or a refining capacity of less than 50,000 barrels and then a year later can increase such capacity and bump it from 40,000 to 100,000. I'm just a little confused about this arbitrary 50,000 barrel terminology."

Mr. Perry: "Number one, if they were building under 50,000 barrels, they would probably be adding to an existing refinery. Number two, the economics of oil refining in this state—you are not going to build under a 50,000 barrel refinery. In fact, there is a direct proportion in cost relative to the barrels of oil process, so for all intents and purposes today, building under a 50,000 barrel refinery is just not in the cards."

The amendment was adopted.

House Bill No. 1373 was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1377, by Representatives Kalich, Gaines, Chandler and Douthwaite:
Enacting emergency energy powers.

The bill was read the second time.

POINT OF INQUIRY

Mr. Perry yielded to question by Mr. Williams.

Mr. Williams: "In reading through this bill very quickly, and I was not on the committee, I have a question I would like to ask. The bill does grant extraordinary emergency powers to the Governor under certain conditions. The basic question that I have is do the Governor's powers include suspension of certain existing standards, requirements, and so forth? I assume that it would mean that he can mainly suspend lawful requirements of utilities, etc. My question is, does that suspension of standards and laws carry beyond the alert period?"

Mr. Perry: "That is not the intention of this measure. I can give you a specific example. The plant at Centralia was generating about 1,000 megawatts because it couldn't meet the pollution standards above that. During the period of time that we had the last energy emergency they were given permission to suspend the pollution standards for that period. At the end of the emergency, the end of the suspension was there."

Mr. Williams: "This is spelled out in the bill so there is no question on that?"

Mr. Perry: "Yes."

House Bill No. 1377 was passed to Committee on Rules for third reading.

MOTIONS

Mr. Pardini moved that the House immediately consider Engrossed Senate Concurrent Resolution No. 125 on second reading.

Mr. King moved that the motion be laid on the table.

Mr. Pardini demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion by Mr. King to lay Mr. Pardini's motion on the table, and the motion was carried by the following vote: Yeas, 60; nays, 36; not voting, 1.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Bond, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick,

McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueling, Kalich, Kuehne, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representative Smith E. P.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

Mr. Randall appeared at the bar of the House.

MOTIONS

On motion of Mr. Charette, the House advanced to the eighth order of business.

On motion of Mr. Thompson, House Bill No. 1403 was rereferred from Committee on Social and Health Services to Committee on Ways and Means - Appropriations.

On motion of Mr. Thompson, House Bill No. 1443 was rereferred from Committee on Natural Resources to Committee on Ways and Means - Appropriations.

On motion of Mr. Thompson, House Bill No. 1055 was rereferred from Committee on Social and Health Services to Committee on Ecology.

Mr. Pardini moved that the House revert to the sixth order of business.

On motion of Mr. Charette, the House adjourned until 10:30 a.m., Tuesday, January 20, 1976.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

SIXTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, January 20, 1976.

The House was called to order at 10:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Polk, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kim Hansen and Edward McAllister. Prayer was offered by the Reverend Glen D. Cole of the Evergreen Christian Center of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

January 19, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 2982,
ENGROSSED SENATE BILL NO. 2994,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

January 19, 1976

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 44,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced that the Speaker was signing:

HOUSE CONCURRENT RESOLUTION NO. 44.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1478, by Representatives Charette, Moon, Matthews, Chandler, Newhouse and Berentson (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.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1479, by Representatives Bausch, Ehlers and Hendricks:

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.

To Committee on State Government

ENGROSSED 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.

To Committee on Education

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.

To Committee on Education

REPORTS OF STANDING COMMITTEES

January 13, 1976

HOUSE BILL NO. 1124, Prime Sponsor: Representative Kilbury, providing for gardens on public lands. Reported by Committee on Agriculture.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Kilbury, Chairman; Boldt, Vice Chairman; Becker, Deccio, Erickson, Hansen, Haussler.

To Committee on Rules for second reading.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "Mr. Speaker, several of our members are concerned about House Bill No. 1124, because it was their impression when they left the committee meeting yesterday that the Chairman of that committee had ruled that the bill had not passed the committee and did not have enough signatures to get out of that committee. We are surprised that the bill is in the fifth order of business on committee reports. Could we have a clarification?"

The Speaker (Mr. O'Brien presiding): "Representative Pardini, there are seven members who have signed the Do Pass recommendation and that is a majority of the committee."

Mr. Pardini: "I understand that, Mr. Speaker. The confusion that is arising is from the report of our members on that committee that at the committee meeting the Chairman stated very specifically that the bill had not passed the committee and the meeting was adjourned."

Mr. Kilbury: "It is quite correct that six people, a majority, did vote 'aye;' however seven people signed the sign-out sheet."

The Speaker (Mr. O'Brien presiding): "In reply to your inquiry again, Representative Pardini, we have seven signatures on this Do Pass report and according to our rules it requires a majority recommendation and this particular measure has the majority recommendation, so it is in order."

POINT OF ORDER

Mr. Newhouse: "Mr. Speaker, we have had testimony of the committee chairman. When you cite Rule 82 it says in the first few lines that a bill shall pass with a majority of the members of the committee in the committee session. The report is that there is a recorded vote during the session of the committee of six to five. Majority would be seven out of the total of thirteen members of the committee. I think that bill is not properly before us. I understand there is a recorded vote in the committee."

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): "The Speaker is going to rule that the bill has passed to Rules Committee."

MOTION

Mr. Pardini moved that House Bill No. 1124 be rereferred from Committee on Rules to Committee on Agriculture.

Representatives Pardini, Hansey and Eikenberry spoke in favor of the motion, and Representatives Kilbury and Haussler spoke against it.

Mr. Curtis demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to rerefer House Bill No. 1124 from Committee on Rules to Committee on Agriculture, and the motion was lost by the following vote: Yeas, 42; nays, 53; not voting, 2.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Juelling, Kalich, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Peterson, Schumaker, Smith R., Tilly, Whiteside, Wilson, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, King, Knowles, Laughlin, Luders, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, O'Brien, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Lux, Polk.

January 19, 1976

HOUSE BILL NO. 1175, Prime Sponsor: Representative Kilbury, relating to honey bees. Reported by Committee on Agriculture.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Kilbury, Chairman; Boldt, Vice Chairman; Amen, Becker, Erickson, Hansen, Laughlin, Tilly.

To Committee on Rules for second reading.

January 19, 1976

HOUSE BILL NO. 1257, Prime Sponsor: Representative Hendricks, removing residency and practice requirements for municipal judges. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Smith (Rick), Subcommittee Chairman; Gaspard, Hanna, Maxie, Newhouse, Patterson, Sherman.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1272, Prime Sponsor: Representative Sherman, exempting minibus car pools from commercial transportation regulations. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Perry, Chairman; Barnes, Berentson, Bond, Ceccarelli, Chandler, Charnley, Clemente, Douthwaite, Dunlap, Gallagher, Hansen, Kalich, Laughlin, Leckenby, Lee, Lysen, McCormick, Patterson, Schumaker, Sherman.

To Committee on Rules for second reading.

January 19, 1976

HOUSE BILL NO. 1279, Prime Sponsor: Representative Smith (Rick), providing attorney's fees for the prevailing party in contract and lease disputes. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Smith (Rick), Subcommittee Chairman; Gaspard, Hanna, Maxie, Newhouse, Patterson, Sherman.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1394, Prime Sponsor: Representative Hansen, permitting owners of property subject to condemnation proceedings to give the property to such governmental unit. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 2 after "state" insert ", municipal corporation"

Signed by Representatives Perry, Chairman; Barnes, Berentson, Bond, Ceccarelli, Chandler, Charnley, Clemente, Douthwaite, Gallagher, Hansen, Kalich, Laughlin, Leckenby, Lee, Lysen, Martinis, McCormick, Patterson, Schumaker.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1434, Prime Sponsor: Representative Hansen, relating to outdoor advertising. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Perry, Chairman; Ceccarelli, Chandler, Charnley, Clemente, Douthwaite, Dunlap, Gallagher, Hansen, Kalich, Laughlin, Leckenby, Lee, Martinis, McCormick, Patterson.

To Committee on Rules for second reading.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

SECOND READING

Mr. Curtis moved that the House immediately consider Engrossed Senate Concurrent Resolution No. 125.

Representatives Curtis and Newhouse spoke in favor of the motion, and Representatives Shinpoch and Thompson spoke against it.

Mr. Pardini demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to immediately consider Engrossed Senate Concurrent Resolution No. 125, and the motion was lost by the following vote: Yeas, 37; nays, 59; not voting, 1.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Haussler, Hayner, Hendricks, Jueling, Kalich, Kuehne, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, and Mr. Speaker.

Not voting: Representative Polk.

ENGROSSED HOUSE BILL NO. 971, by Representatives Randall, Pardini, Sommers and Newhouse:

Pertaining to taxation of leasehold interests.

The bill was read the second time.

On motion of Mr. Randall, the following amendments were adopted:

On page 5, line 11 after "interest" insert "on and after January 1, 1976"

Beginning on page 11, line 36 strike all of section 21 and insert a new section to read as follows:

"NEW SECTION. Sec. 21. This 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."

Engrossed House Bill No. 971 was ordered reengrossed.

On motion of Mr. Randall, the rules were suspended, the second reading considered the third, and Reengrossed House Bill No. 971 was placed on final passage.

Mr. Randall spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Charnley.

Mr. Charnley: "My concern is the effect of this bill on what we might call leaseholders, small businesses and so forth. As I recall this would considerably raise their taxes. Would you respond to that particular area?"

Mr. Randall: "I think that with any type of measure like this you are going to find that you are writing a law for the general application of the tax. Unquestionably there are some businesses that are going to stand to gain from this tax—they will pay less tax and there are others who are going to pay more taxes. Those major concerns that are going to pay more

taxes have agreed to pay more taxes in effect and I don't think the effect of this bill necessarily lands on the large or small people per se. It depends on where you've been—whether you are one of those people that are having a lease under current law under which you pay no taxes because you are over the so-called 90% of economic rent figure. If you happen to be in the 89% figure and you are paying a lot of tax, this makes a difference. In fact, that is the reason for the bill, the confusion over the identification of what is 90% of economic rent and its tax liability implications. The fiscal impact overall will increase revenues by about \$1.2 million, maybe \$1.4 million. Currently the returns from leasehold taxation as it is now applied is about \$3.84 million tax and it is estimated it will go to about \$4.82 million. I can't tell you that some businesses won't pay more and some won't pay less, but I can tell you that it is not on a selective basis of size or application or anything else."

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 971, and the bill passed the House by the following vote: Yeas, 64; nays, 30; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Becker, Berentson, Boldt, Bond, Brown, Ceccarelli, Chandler, Conner, Curtis, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Gallagher, Gaspard, Greengo, Hansen, Hansey, Haussler, Hayner, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, Knowles, Kuehnle, Leckenby, Lee, Luders, Lux, Martinis, Matthews, Maxie, May, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Tilly, Valle, Whiteside, Zimmerman.

Voting nay: Representatives Bauer, Bausch, Bender, Blair, Charette, Charnley, Clemente, Cochrane, Dunlap, Freeman, Gaines, Gilleland, Haley, Hanna, Hawkins, Hendricks, King, Laughlin, Lysen, McCormick, Moon, Parker, Perry, Schumaker, Sommers, Thompson, Warnke, Williams, Wilson, Wojahn.

Not voting: Representatives Deccio, Polk, and Mr. Speaker.

Reengrossed House Bill No. 971, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 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.

Committee on Social and Health Services recommendation: Majority, do pass as amended. (For amendments, see Journal, Twelfth Day, 2nd ex. sess., January 16, 1976.)

On motion of Mr. Adams, the committee amendments were adopted.

MOTIONS

On motion of Mr. Thompson, further action of House Bill No. 1244 was deferred, and the bill was ordered held for tomorrow's second reading calendar.

On motion of Mr. Thompson, the House advanced to the seventh order of business.

THIRD READING

On motion of Mr. Thompson, Engrossed Substitute House Bill No. 378 was rereferred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 519, by Representatives Pardini, Randall, Hawkins and Gilleland:

Pertaining to local business and occupation taxes.

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

Mr. Randall spoke in favor of passage of the bill, and Representatives Nelson and Moon spoke against it.

Mr. Randall closed debate, speaking again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 519, and the bill passed the House by the following vote: Yeas, 54; nays, 40; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Becker, Berentson, Boldt, Bond, Brown, Ceccarelli, Chandler, Conner, Curtis, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Gallagher, Gaspard, Greengo, Hansen, Hansey, Haussler, Hayner, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, Knowles, Kuehnle, Leckenby, Lee, Luders, Lux, Martinis, Matthews, Maxie, May, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Tilly, Valle, Whiteside, Zimmerman.

Voting nay: Representatives Bauer, Bausch, Bender, Blair, Charette, Charnley, Clemente, Cochrane, Dunlap, Freeman, Gaines, Gilleland, Haley, Hanna, Hawkins, Hendricks, King, Laughlin, Lysen, McCormick, Moon, Parker, Perry, Schumaker, Sommers, Thompson, Warnke, Williams, Wilson, Wojahn.

Not voting: Representatives Deccio, Polk, and Mr. Speaker.

Engrossed House Bill No. 519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 624, by Representatives Randall, Pardini and Kilbury:

Defining "regular property tax levies" for port district purposes.

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

Representatives Randall, Charette and Flanagan spoke in favor of passage of the bill, and Mr. Hurley (George) spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 624, and the bill passed the House by the following vote: Yeas, 76; nays, 18; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Flanagan, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Lee, Luders, Lux, Martinis, Matthews, Maxie, May, McCormick, Moreau, Newhouse, O'Brien, Paris, Parker, Perry, Peterson, Pardini, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Zimmerman.

Voting nay: Representatives Clemente, Erickson, Fischer, Fortson, Gaspard, Hurley G. S., King, Leckenby, Lysen, McKibbin, Moon, Nelson, North, Pardini, Seeberger, Smith R., Wilson, Wojahn.

Not voting: Representatives Patterson, Polk, and Mr. Speaker.

Engrossed House Bill No. 624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 1237, by Representatives Whiteside, Seeberger, Fortson and Wojahn:

Increasing from three to six the number of aged persons not related by blood who may live in a boarding home.

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

Mr. Whiteside spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Whiteside yielded to question by Mr. Charnley.

Mr. Charnley: "One concern I have is that I understand the effect will be to remove any home which has less than six people from the licensing requirements for boarding houses and homes. Is that so? If so, is that desirable? Is it desirable to remove that license?"

Mr. Whiteside: "There is a difference between a boarding home and an adult foster home. In this case we are talking about a residential home. There are requirements for boarding homes; there are separate requirements by the Department of Social and Health Services for adult foster homes. These are certified within the various counties. There are staff people who go into these homes at least twice a year and other staff people who go into the others twice a year also visiting the various patients who are the residents of these homes. There is adequate supervision of these homes. It is in the home atmosphere we are maintaining these people."

Mr. Charnley: "I'm concerned about the homes that have less than six people. They still have some protection in terms of this investigation?"

Mr. Whiteside: "They have the protection right now for up to two—this means that up to five they would still have this certification."

Representatives Cochrane and Seeberger spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1237, and the bill passed the House by the following vote: Yeas, 92; nays, 0; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Randall, Schumaker, Seeberger, Sherman, Shipnatch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn.

Not voting: Representatives Matthews, Polk, Smith R., Zimmerman, and Mr. Speaker.

Engrossed House Bill No. 1237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I wish to be recorded as voting "yes" on Engrossed House Bill No. 1237. Representative Thompson was discussing another measure with me and I failed to vote.

HAROLD S. ZIMMERMAN, 17th District.

ENGROSSED HOUSE BILL NO. 1373, by Representatives McCormick, Leckenby, Martinis, Gaines, Lysen, Barnes, Hayner, Charnley and Lee:

Establishing the energy facility site evaluation council.

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

Mr. Perry spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1373, and the bill passed the House by the following vote: Yeas, 91; nays, 4; not voting, 2.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Perry, Peterson, Randall, Schumaker, Seeberger, Sherman, Shipnatch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Flanagan, Kuehne, Parker.

Not voting: Representatives Polk, and Mr. Speaker.

Engrossed House Bill No. 1373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Charette moved that the rules be suspended, and House Bill No. 1377 be returned to second reading for the purpose of amendment.

Mr. Perry spoke in favor of the motion and it was carried.

HOUSE BILL NO. 1377, by Representatives Kalich, Gaines, Chandler and Douthwaite:

Enacting emergency energy powers.

The bill was read the second time.

MOTION

On motion of Mr. Thompson, further action on House Bill No. 1377 was deferred and the bill was ordered to take its place on the second reading calendar following House Bill No. 779.

On motion of Mr. Thompson, Engrossed Substitute House Bill No. 1271 was rereferred to Committee on Ways and Means - Appropriations.

On motion of Mr. Thompson, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 90, by Representatives Randall, Smith (Rick), Berentson, Conner, Fortson and Leckenby:

Declaring that fishing derbys are not gambling and removing them from regulation by the gambling commission.

The bill was read the second time.

On motion of Mr. Charette, Substitute House Bill No. 90 was substituted for House Bill No. 90, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 90 was read the second time.

MOTION

On motion of Mr. Thompson, further action on Substitute House Bill No. 90 was deferred, and the bill was ordered placed at the bottom of the second reading calendar.

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.

Committee on Labor recommendation: Majority, do pass as amended. (For amendment, see Journal, 1975 1st ex. sess., page 1007.)

On motion of Mr. McKibbin, the committee amendment was adopted.

House Bill No. 425 was ordered engrossed and passed to Committee on Rules for third reading.

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.

On motion of Mr. Haussler, Second Substitute House Bill No. 721 was substituted for Substitute House Bill No. 721, the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 721 was read the second time and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. Thompson, House Bill No. 1377 was placed on the calendar for immediate consideration.

HOUSE BILL NO. 1377, by Representatives Kalich, Gaines, Chandler and Douthwaite:

Enacting emergency energy powers.

The bill was read the second time.

Mr. Perry moved adoption of the following amendment by Representatives Perry and Williams:

On page 3, line 34 after "localities." insert "Nothing in this 1976 amendatory act shall be construed to mean that any program, control, standard, priority, quota, or any other policy created under the authority of the emergency power established under this 1976 amendatory act shall have any legal effect after the cessation of a declared state of energy supply alert."

POINT OF INQUIRY

Mr. Perry yielded to question by Mr. Leckenby.

Mr. Leckenby: "Would this language in any way negate the curtain that has been provided between a utility and an industrial user whereby the industrial user would not be able to file suit against the utility for breaking off their power supply?"

Mr. Perry: "No, all this does is to make sure that all of the other laws, and particularly the environmental laws, are not abrogated permanently as a result of an emergent situation. I have to directly refer to the Centralia situation which occurred about two years ago. When we passed the emergency power bill we said to the Governor, 'You have the power to suspend almost all other acts or all other acts in the state relative in this subject area.' For instance, that plant could not produce over 1,000 megawatts without suspending the air pollution laws. During that period of emergency the Governor's committee recommended that he suspend those laws temporarily for the purpose of trying to get that plant up to about 1200 megawatts, which they subsequently did. At the end of that emergency we went back to the original law. Now what Mr. Williams, and my intention is, is that should we come into an emergency situation where the pollution control laws of that character had to be suspended, at the end of that emergency the original laws would go back into effect."

Mr. Leckenby: "Yes, I can follow you on that one, but having the capability of being devious and bringing myself into the position of a large consumer of energy, whether it be gas, electricity or whatever, and that supply had been cut off for a period of time and then the emergency was declared to be over, with this language would I then be in a position, because there is no more legal effect, to turn around and file suit against the utility with which I had a continuing contract because they haven't furnished me with power? I just want to make sure that this language doesn't go too far again."

Mr. Perry: "The only immunity that any utilities have or enjoy during those emergency power periods is that immunity which states that the state and its authority and police powers for the benefit of the people of the state provide in effect immunity from suits against contracting persons—say if you are a utility and you contract with company A over here, if the state says you have no right to supply power to company A because of the emergent situation, under that act the state is liable, not the utility. We have in no way abrogated or effected that kind of a relationship. This relationship that we have effected is only the relationship between the emergency and the suspension of other laws, namely the pollution control laws."

The amendment was adopted.

On motion of Mr. Perry, the following amendment by Representatives Perry and Williams was adopted:

On page 9, line 14 after "emergency" insert ": 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 legal effect after the cessation of the declared state of energy emergency"

House Bill No. 1377 was ordered engrossed.

On motion of Mr. Luders, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1377 was placed on final passage.

Representatives Eikenberry and Perry spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1377, and the bill passed the House by the following vote: Yeas, 91; nays, 1; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Randall, Schumaker, Seeburger, Sherman, Shipnosh, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representative Bond.

Not voting: Representatives Hayner, Jueling, Matthews, Polk, Warnke.

Engrossed House Bill No. 1377, having received the 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 Mr. Thompson, the House advanced to the eighth order of business.

On motion of Mr. Thompson, House Bill No. 1261 was rereferred from Committee on Commerce to Committee on Ecology.

On motion of Mr. Thompson, House Bill No. 1453 was rereferred from Committee on Labor to Committee on Commerce.

RESOLUTIONS

HOUSE RESOLUTION NO. 75-63, by Representatives Hurley (George), O'Brien, King, Seeburger, Charnley, Blair, Gaines, Moon, Clemente, Conner, Sommers, Cochrane, Lysen, Kilbury, Charette, Valle, Gallagher, Thompson, Knowles, Wojahn, Lux, Pardini, Bagnariol, Bauer and Maxie:

WHEREAS, Justice William O. Douglas has retired as Associate Justice of the Supreme Court of the United States, thus bringing to a close a career unique in the annals of the court and our country;

AND, WHEREAS, Justice Douglas has demonstrated throughout his lifetime the rugged and courageous spirit of a truly great human being, understanding of his fellow man's needs, protective of the legal rights of all, a foe of discrimination and abuse, and constant in his search for a real sense of what the law ought to be;

AND, WHEREAS, Justice Douglas first overcame personal adversity through determined self-help and continued his magnificent enthusiasm and stamina in his enjoyment of the outdoors, travel, and participation in national issues and world affairs;

AND, WHEREAS, Justice Douglas grew up and was educated in the schools of our own state of Washington, and continues to be a resident of Goose Prairie, Washington;

AND, WHEREAS, Justice Douglas entered public life as one of the bright young men of the New Deal, became head of a major regulatory agency, came close to being President, served longer than any other justice on the United States Supreme Court, and left his own personal influence on large parts of our nation's jurisprudence;

AND, WHEREAS, Justice Douglas early in his service on the Supreme Court became known as an ardent champion of free speech, as a civil libertarian, speaking again and again against the abuses of government loyalty and security programs, libel and obscenity laws, government snooping, unfair criminal procedures, and any kind of enforced conformity in speech or thought;

AND, WHEREAS, To Justice Douglas, equality for all, the protection of the individual, and "the inalienable rights of life, liberty, and the pursuit of happiness" are the lifeblood of a free people and the principle that governments are instituted among men, deriving their just power from the consent of the governed as stated in the Constitution, is and should remain forever the cornerstone of democratic government;

AND, WHEREAS, Justice Douglas carried the fight for the things he believed in off the bench and into the public arena, speaking out on national issues and world affairs, traveling all over the world, writing books and articles, living in a swirl of controversy;

AND, WHEREAS, Justice Douglas, although frequently a dissenter, spoke for the court in a milestone right-of-privacy decision in 1965 and one of his dissenting opinions later served as the genesis of the court's historic "one-man-one-vote" rule, and was absolute in support of and belief in his interpretation of the Constitution and explicitly of the Bill of Rights;

AND, WHEREAS, Justice Douglas stands uniquely alone in the history of our Supreme Court and our country, admired for his intellect, his independence, his energy, his vision and as a man of extraordinary courage and for his demonstrated belief in the Constitution and the Bill of Rights unequalled by any other American;

NOW, THEREFORE, BE IT RESOLVED, That Justice William O. Douglas be commended on the occasion of his retirement with our heartfelt best wishes and appreciation as a distinguished citizen, outstanding jurist, and wonderful human being.

BE IT FURTHER RESOLVED, That a copy of this resolution be engraved and transmitted to Justice William O. Douglas.

Mr. Hurley (George) moved adoption of the resolution and spoke in favor of it.

Representatives Thompson, Blair and Douthwaite spoke in favor of the resolution.

House Resolution No. 75-63 was adopted.

HOUSE RESOLUTION NO. 75-64, by Representatives Bauer, McKibbin, Laughlin, Paris, Thompson and Zimmerman:

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 home 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 Veterans Administration Hospital able to serve the community in a direct and personal manner should be recognized and supported; and

WHEREAS, The Veterans Administration has indicated it is considering the moving of the Barnes Veterans 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 close to home; and

WHEREAS, The consultant's report shows that the Barnes Veterans 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 House of Representatives respectfully pray that the United States Veterans Administration be directed to permit the city of Vancouver to retain its veterans 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 Chief Clerk of the House of Representatives to each member of Congress from the state of Washington, to the Administrator of Veterans Affairs, and to the Superintendent of Barnes Veterans Hospital.

Mr. Bauer moved adoption of the resolution and spoke in favor of it.

Mr. Zimmerman spoke in favor of the resolution and it was adopted.

MOTION

On motion of Mr. Thompson, the House adjourned until 9:30 a.m., Wednesday, January 21, 1976.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

SEVENTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, January 21, 1976.

The House was called to order at 9:30 a.m. by the Speaker. The Clerk called the roll and all members were present except Representative Wojahn, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Linda Trygstad and Tim Wells. Prayer was offered by the Reverend Glen D. Cole of the Evergreen Christian Center of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

POINT OF PERSONAL PRIVILEGE

Mr. Polk: "We here in this Legislature are used to having very fine young men and women come to us as pages. They come to us because they have gained a great deal of respect in their schools and in their homes and their families. I had one two years ago; this was one of the very lucky pages who had two chances to be here with us. This past year he was here again with Representative Dunlap. He was a young man that I ran into very many times around Mercer Island because he was of unusual high achievements. As an Eagle Scout I spoke to his Court of Honor, and if any of you have ever spent the time to read what it takes to reach that status in the scouting movement, you know that it is a person who is headed for future achievements in life.

Last night when I got home his mother had called to inform me that John Borst had died over the weekend, and further the main reason she wanted me to know right away was because of how much this Legislature had meant to John. When he was here I was particularly thrilled to be identified with him because he was from Mercer Island; so even though he may have been Representative Dunlap's page last year, people still knew he was from Mercer Island and many said things to me about John. Secretaries would come up and say, 'Hey, there's a super kid. He's enthusiastic, energetic and really does a good job. He's just a fine young man.' We can't do any more now than extend our sympathies to the family for the loss of John, but I think at this point it is incumbent upon us in the legislative community to realize and dedicate ourselves to the potential that we have to affect the lives of the young men and women who serve with us here as pages. John was a fine example of what the young people can be. I am sure there are others like John who are serving with us today. Our actions and the way we react to the situations of our state have an immense impact on them as it did on John."

POINT OF PERSONAL PRIVILEGE

Mr. Luders: "I take into my hand today the microphone for the last time, and I thought since we had served together for some five years that I at least owed you all, on both sides of the aisle, an explanation.

You cannot be in these chambers for the length of time that we have served together without developing a close kinship to one another. I have appreciated the time I have spent with you; I feel that as we have lived relatively miserably from time to time that that's developed a camaraderie which I think I have never known in my lifetime.

It is then with a sincere amount of regret that I inform you that effective Sunday I am submitting my resignation from the Legislature. It is not necessarily because of what is happening internally that I do this. It is because I have what I consider to be overriding family and financial and personal difficulties. And it is because of the length of time which by now it seems this Legislature is destined for. I hope it is not another marathon session, but by the same token I do not feel, because I have my wife here and my kids at home and aging parents, one of whom is gravely ill, that I can afford the opportunity to stay here for an extended period of time. I do not think that as we look at what has happened to us through the years that the mantle of God rests on anybody or any group's shoulders. I think we are all a group and we have shouldered the responsibility of the state rather well. I am proud to have been associated with you, but by the same token I feel that I must now end that association. I have never felt since I have been here that I had enemies—only opponents and that yesterday's

opponent was today's friend. I still feel that this is the way this will finally be resolved in the end. On the other hand the issues that face the state that I am concerned about—it looks to me like they are going to be long in becoming resolved and I think sometimes personalities do get involved in these things, too, and that tends to prolong it.

When the Great Speaker in the sky brings down the gavel and claims each of us for the sine die ceremony, I am convinced that, contrary to what some people say—that politicians have a special place reserved for them in Hell—it is my conviction that when we go up there and meet at the bar of the Great House of the Beyond, that politicians will have a special place somewhere this side of purgatory because we have for many years now served our time in Hell."

Mr. Haussler: "It is with a great deal of sorrow that I take this mike today. This takes me entirely by surprise; I wish I had more time to put some of my thoughts together, but maybe this is good because these will come from my heart.

My wife and I have been very close friends with Ed and his wife ever since he has been here: We have appreciated what he's done certainly, and I think we will all miss Ed. We will miss his little bits of humor. I think it's necessary to have this in this session and in the Legislature. When Ed was a freshman I worked very closely with him; I liked him. He's from Eastern Washington and I felt then that he had a great future. He still would have, had he not been forced to resign. I think that if you would ask Ed some of the things we went through when he was a freshman that you would find out that this certainly made him a better legislator—some of the things that were said.

I've been proud to know Ed; I've been proud to have worked with him. I almost love the guy—only he doesn't wear a dress. We have been tremendous friends. We have talked many times about hunting together and he has just been a comrade. I feel very great sorrow to have to say what I have said today—Ed, good-by."

The Sergeants at Arms of the Senate and the House announced the arrival of the Senate at the bar of the House.

JOINT SESSION

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 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

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)

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 ever 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 Montana. 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% 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 House resumed its session.

MESSAGE FROM THE SENATE

January 20, 1976

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 44,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1480, by Representatives Becker, Fischer, Deccio, Hanna and Peterson:

AN ACT Relating to county services for juveniles; adding new sections to chapter 13.06 RCW; repealing section 1, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.010; repealing section 2, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.020; repealing section 3, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.030; repealing section 4, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.040; and repealing section 5, chapter 165, Laws of 1969 ex. sess., section 1, chapter 165, Laws of 1971 ex. sess., section 1, chapter 198, Laws of 1973 1st ex. sess. and RCW 13.06.050.

To Committee on Social and Health Services

HOUSE BILL NO. 1481, by Representatives Valle, Brown, Charnley and Laughlin:

AN ACT Relating to revenue and taxation; 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; and prescribing a conditional effective date.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1482, by Representatives Valle and Curtis:

AN ACT Relating to infants; and amending section 2, chapter 82, Laws of 1967 and RCW 70.83.020.

To Committee on Social and Health Services

HOUSE BILL NO. 1483, by Representatives Hawkins, Douthwaite, Cochrane, North, Hanna and Haussler:

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 35.22 RCW.

To Committee on Local Government

HOUSE BILL NO. 1484, by Representatives Valle and Brown:

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

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1485, by Representatives Valle, Douthwaite, Warnke, Bender and Knowles:

AN ACT Relating to political campaigns; and adding a new section to chapter 42.17 RCW.

To Committee on Constitution and Elections

HOUSE BILL NO. 1486, by Representatives Ceccarelli, Blair and McCormick:

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 18, chapter 176, Laws of 1963 as last amended by section 9, chapter 55, Laws of 1969 and RCW 32.20.400; and adding a new section to chapter 32.04 RCW.

To Committee on Financial Institutions

HOUSE BILL NO. 1487, by Representatives Erickson, North and Nelson:

AN ACT Relating to port districts; amending section 2, chapter 87, Laws of 1941 and RCW 53.48.020; amending section 3, chapter 87, Laws of 1941 and RCW 53.48.030; amending section 4, chapter 87, Laws of 1941 and RCW 53.48.040; and adding new sections to chapter 53.48 RCW.

To Committee on Local Government

HOUSE BILL NO. 1488, by Representatives Erickson, Bagnariol, Randall and Laughlin:

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.

To Committee on Education

HOUSE BILL NO. 1489, by Representatives Fortson and King:

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.

To Committee on Constitution and Elections

HOUSE BILL NO. 1490, by Representative Smith (Rick):

AN ACT Relating to public defense services; and adding a new chapter to Title 36 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1491, by Representatives Deccio, Hansen, Fischer, Flanagan, Haussler and Newhouse:

AN ACT Relating to agricultural commodities; adding a new chapter to Title 39 RCW; and prescribing penalties.

To Committee on Agriculture

HOUSE BILL NO. 1492, by Representatives Smith (Rick) and Knowles:

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.

To Committee on Judiciary

HOUSE BILL NO. 1493, by Representatives Perry, Bender, Gilleland and Laughlin:

AN ACT Relating to county roads; and amending section 36.77.060, chapter 4, Laws of 1963 and RCW 36.77.060.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1494, by Representatives Thompson, Eikenberry, Pardini, Adams, Ceccarelli and Laughlin:

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.

To Committee on Judiciary

HOUSE BILL NO. 1495, by Representatives Valle, Haussler and Douthwaite:

AN ACT Relating to population growth; and adding a new chapter to Title 43 RCW.

To Committee on State Government

HOUSE BILL NO. 1496, by Representatives Hansen and Patterson:

AN ACT Relating to highways; making appropriations for the operations and capital improvements of the state highway commission and the Washington toll bridge authority; and declaring an emergency.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1497, by Representatives Ceccarelli, Pardini, Bagnariol, Ehlers and Deccio (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.

To Committee on Financial Institutions

HOUSE BILL NO. 1498, by Representatives Wilson, Adams, Fortson, Nelson and Ceccarelli:

AN ACT Relating to senior centers; amending section 4, chapter 130, Laws of 1972 ex. sess. and RCW 43.83D.040; and amending section 5, chapter 130, Laws of 1972 ex. sess. and RCW 43.83D.050.

To Committee on Social and Health Services

HOUSE BILL NO. 1499, by Representatives Smith (Rick), Sherman and Zimmerman:

AN ACT Relating to land use regulation; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 58.17 RCW.

To Committee on Local Government

HOUSE BILL NO. 1500, by Representatives Hayner, Patterson and Knowles:

AN ACT Relating to excise taxes on real estate transfers; and amending section 28A.45.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 65, Laws of 1970 ex. sess. and RCW 28A.45-.010.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1501, by Representatives Pardini, Erickson and Ceccarelli:

AN ACT Relating to revenue and taxation; 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; and prescribing an effective date.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1502, by Representatives Bagnariol and Pardini (by Office of Program Planning and Fiscal Management and State Treasurer 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.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1503, by Representatives Blair and Charnley:

AN ACT Relating to revenue and taxation; authorizing the imposition of a flat rate property tax upon gross income by local political subdivisions and taxing districts; adding a new chapter to chapter 15, Laws of 1961 and to Title 84 RCW; and providing an effective date.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1504, by Representatives Thompson and Adams:

AN ACT Relating to probation and parole; and amending section 2, chapter 171, Laws of 1971 ex. sess. and RCW 72.02.110.

To Committee on Social and Health Services

HOUSE BILL NO. 1505, by Representatives Lysen, Hawkins, Ehlers and Fortson:

AN ACT Relating to revenue and taxation; amending section 10, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.820; amending section 11, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 19, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.825; amending section 12, chapter 40,

Laws of 1973 2nd ex. sess. and RCW 84.36.830; and declaring an emergency.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1506, by Representatives Martinis, Curtis, Luders, Gilleland, Moreau, Kilbury and Bausch:

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.

To Committee on Natural Resources

HOUSE BILL NO. 1507, by Representative Ehlers (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to the support of state government; providing for the planning, acquisition, construction, remodeling, furnishing, and equipping of a permanent facility for the court of appeals; providing for the financing thereof by the issuance of bonds and anticipation notes; authorizing certain charges against state agencies; creating new sections; and declaring an emergency.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1508, by Representatives Thompson, Zimmerman and Kalich:

AN ACT Relating to mobile home parks; and adding a new chapter to Title 59 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1509, by Representatives Haussler and Laughlin:

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

To Committee on Local Government

HOUSE BILL NO. 1510, by Representatives Gallagher and Parker:

AN ACT Relating to the department of fisheries; adding a new section to Title 75 RCW; and declaring an emergency.

To Committee on Natural Resources

HOUSE BILL NO. 1511, by Representatives Cochrane, Kilbury, Boldt and Hansen:

AN ACT Relating to highways; authorizing the construction of a toll bridge across the Columbia river; and adding new sections to chapter 47.56 RCW.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1512, by Representative Haussler:

AN ACT Relating to counties; amending section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150; adding new sections to Title 36 RCW; making an appropriation; and providing an effective date.

To Committee on Local Government

HOUSE BILL NO. 1513, by Representatives Laughlin, Zimmerman and Bauer:

AN ACT Relating to incorporation of municipalities; and amending section 35.02.010, chapter 7, Laws of 1965 as amended by section 1, chapter 48, Laws of 1969 and RCW 35.02.010.

To Committee on Local Government

HOUSE BILL NO. 1514, by Representatives Wojahn, McCormick, Zimmerman, Adams and Whiteside:

AN ACT Relating to health care; amending section 3, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.180; amending section 4, chapter 119, Laws of 1974 ex. sess. as amended by section 14, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.44.240; amending section 2, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.020; adding a new section to chapter 290, Laws of 1975 1st ex. sess. and to chapter 48.46 RCW; adding a new section to chapter 8, Laws of 1955 ex. sess. and to chapter 48.52 RCW; repealing section 2, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.170; and providing an effective date.

To Committee on Social and Health Services

HOUSE BILL NO. 1515, by Representatives Maxie and Cochrane:

AN ACT Relating to labor regulations; amending section 17, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.185; amending section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.010; amending section 3, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.130; amending section 9, chapter 35, Laws of 1945 as last amended by section 5, chapter 3, Laws of 1971 and RCW 50.04.080; amending section 17, chapter 35, Laws of 1945 as amended by section 4, chapter 215, Laws of 1947 and RCW 50.04.160; amending section 28, chapter 35, Laws of 1945 and RCW 50.04.270; amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 1, chapter 124, Laws of 1973 and RCW 51.12.020; and prescribing an effective date.

To Committee on Labor

HOUSE BILL NO. 1516, by Representatives Thompson, Martinis, Curtis, Lee, O'Brien, Conner, Chandler, Zimmerman, Charnley, Ceccarelli and Williams (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.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1517, by Representatives Hanna and Fischer:

AN ACT Relating to alcoholism and intoxication treatment.

To Committee on Rules

HOUSE BILL NO. 1518, by Representative Smith (Rick):

AN ACT Relating to sentencing.

To Committee on Rules

HOUSE BILL NO. 1519, by Representative Valle:

AN ACT Relating to environmentally hazardous radioactive wastes.

To Committee on Rules

HOUSE BILL NO. 1520, by Representative Valle:

AN ACT Relating to water resource management.

To Committee on Rules

HOUSE BILL NO. 1521, by Representative Valle:

AN ACT Relating to environmental policy.

To Committee on Rules

HOUSE JOINT RESOLUTION NO. 74, by Representative Parker:

Amending the Constitution to authorize loans of public funds to students seeking post-secondary education.

To Committee on Higher Education

HOUSE JOINT RESOLUTION NO. 75, by Representatives Valle, Brown and Charnley:

Authorizing state income tax based upon federal income tax liability.

To Committee on Ways and Means – Revenue

HOUSE JOINT RESOLUTION NO. 76, by Representatives Thompson, Bauer, and Laughlin:

Amending the Constitution to allow all moneys in common school construction fund to be used for retiring bonds authorized for financing construction of common school facilities or, if excess, for current use of the common schools.

To Committee on Education

HOUSE JOINT RESOLUTION NO. 77, by Representatives Maxie, Shinpoch, Haussler, Conner, O'Brien and Laughlin:

Amending the Constitution to provide for annual sessions of the legislature.

To Committee on State Government

MOTION

On motion of Mr. Newhouse, all bills, memorials and resolutions appearing on today's agenda under the fourth order of business were ordered passed to the committees designated.

REPORTS OF STANDING COMMITTEES

January 19, 1976

HOUSE BILL 46, Prime Sponsor: Representative North, providing for temporary replacement of insured property. Reported by Committee on Financial Institutions.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Ceccarelli, Chairman; Fisher, Vice Chairman; Bagnariol, Blair, Lux, Lysen, McCormick, Pardini, Polk.

To Committee on Rules for second reading.

January 19, 1976

HOUSE BILL NO. 577, Prime Sponsor: Representative Boldt, prescribing penalty for false information at legislative hearing. Reported by Committee on Judiciary.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Knowles, Chairman; Smith (Rick), Subcommittee Chairman; Gaspard, Hanna, Maxie, Sherman.

To Committee on Rules for second reading.

January 19, 1976

HOUSE BILL NO. 1108, Prime Sponsor: Representative King, prohibiting discrimination against vehicle drivers because of age. Reported by Committee on Financial Institutions.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Ceccarelli, Chairman; Fisher, Vice Chairman; Bagnariol, Blair, Eikenberry, Lux, Lysen, McCormick, Pardini.

To Committee on Rules for second reading.

January 19, 1976

HOUSE BILL NO. 1302, Prime Sponsor: Representative Bauer, establishing an aid program for victims of hemophilia. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 2 after "governor" strike all material down to and including "nominees" on line 3

On page 2, line 13 after "governor" strike "from a list of five qualified nominees,"

Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Becker, Cochrane, Deccio, Eng, Fischer, Fortson, Greengo, Hanna, Hendricks, Paris, Peterson.

To Committee on Rules for second reading.

January 19, 1976

HOUSE BILL NO. 1345, Prime Sponsor: Representative Bauer, providing for a priority program of education. Reported by Committee on Education.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Bender, Boldt, Ehlers, Fortson, Gaspard, Haley, Hendricks, Hurley (George), Valle.

To Committee on Rules for second reading.

January 13, 1976

HOUSE BILL NO. 1347, Prime Sponsor: Representative Smith (Rick), correcting technical errors in the Washington criminal code. Reported by Committee on Judiciary.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner, Maxie, Newhouse, Patterson, Sherman.

To Committee on Rules for second reading.

January 19, 1976

HOUSE BILL NO. 1367, Prime Sponsor: Representative Parker, creating revolving funds for the division of banking and saving and loan associations. Reported by Committee on Financial Institutions.

MAJORITY recommendation: Do pass. Signed by Representatives Ceccarelli, Chairman; Fischer, Vice Chairman; Blair, Eikenberry, Leckenby, Lux, Lysen, McCormick, Polk.

To Committee on Rules for second reading.

MOTION

Mr. Kilbury demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Speaker instructed the Sergeant at Arms to lock the doors.

The Clerk called the roll and all members were present.

On motion of Mr. Charette, the House proceeded with business under the Call of the House.

SECOND READING

Mr. Pardini moved that Engrossed Senate Concurrent Resolution No. 125 be made the immediate order of business on second reading.

MOTION

Mr. King moved that the House proceed to the eighth order of business.

SPEAKER'S RULING

The Speaker: "The Speaker finds that neither motion has any particular rank over one or the other; therefore, that being the case the motion before us is the motion to consider Engrossed Senate Concurrent Resolution No. 125. Your motion would be out of order until we dispose of the motion presently pending."

MOTION

Mr. King moved that the House postpone further consideration of the motion by Representative Pardini.

SPEAKER'S RULING

The Speaker: "It has been moved and seconded that the motion by Representative Pardini be postponed. I think, Representative King, that the way to obtain what you want would be to vote this down and then the matter would be open for your motion to go to the eighth order of business. These two motion are of the same rank."

Mr. King: "Mr. Speaker, are you saying that the body does not have the right to postpone matters by vote?"

The Speaker: "If you want to move that it be postponed until a time certain or to the next day or something like that, then we have a positive motion before us, and then the body does have the right to postpone."

Representatives Polk, Eikenberry, Freeman, Lee and Peterson spoke in favor of the motion to immediately consider Engrossed Senate Concurrent Resolution No. 125, and Representatives Moon, Bauer, Perry and Haussler spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

POINT OF PERSONAL PRIVILEGE

Mr. Newhouse: "Mr. Speaker, ladies and gentlemen: Some comments have been made that perhaps should have been said in a calmer voice. At this point I think we can no longer

ignore what has been in the press reports and what has been going on, and I would like to comment that my party, my caucus, has tried to stay out of it. We consider it a partisan fight, that there is nothing for us to gain by becoming involved and to the extent, of course, that we also say that the timing is terrible. It is a waste of time; if this had to happen it should have happened before we were in session so that we could have been organized.

I go back to a year ago when the Speaker was elected by a vote of 62 to 36 and that's based on an election of the previous November, and obviously you needed fifty votes for a Speaker, and you still need fifty votes for a Speaker. I recognize the motion Mr. King made was designed to put before us the floor resolution we see on our desks creating a vacancy. My caucus is not locking up, taking that kind of position. We have some rather strong feelings that we do not wish to settle your arguments, that if we participate in creating a vacancy we are not promising any votes for a Democrat Speaker so I would caution all of you that if you create a vacancy and don't have the votes for a replacement you are creating a chaotic condition reminiscent of some old-time national political conventions when balloting went on for days on end to find an agreed nominee. We don't want to participate in that type of situation. I would say at this point that I know of no Republican votes for a Democrat Speaker.

In making his plans, I think it's fair knowledge that the Speaker has asked me as a representative of my caucus, 'What will your caucus do?' And I guess I told him two things: That we have no votes for a Democrat Speaker and the sentiments in view of that are very strongly in favor of not creating a vacancy. That is not necessarily an endorsement of the Speaker or anyone else. We've been a bit critical of some of the procedures that have been going on; not entirely, much of what has been going on has been great. There are some tough problems facing the state and we have criticized the staffing; we would like to see bipartisan staffing rather than partisan. We've criticized, I suppose effectively and especially, a lack of priorities. I would have to say that is not a criticism of one man—really the whole caucus has a responsibility—I suppose the whole legislature. I want to make clear, too, no deals—no backroom deals. All my caucus wants is a chance to vote, to meet the issues of the state. They have been outlined, a few more are in light; we want to see something on a constitutional amendment for annual sessions, the energy package that the Governor brought before us, and that's been a bipartisan thing, hasn't it Mr. Perry? It really has. We want to do something about malpractice; maybe some of those things, but let's not waste time; let's get on and let's not start something we can't finish."

The Speaker stated the question before the House to be the motion by Mr. Pardini that the House immediately consider Engrossed Senate Concurrent Resolution No. 125 on second reading.

Mrs. Hurley (Margaret) spoke in favor of the motion, and Mr. Pardini closed debate, speaking again in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion to immediately consider Engrossed Senate Concurrent Resolution No. 125 on second reading, and the motion was carried by the following vote: Yeas, 56; nays, 41; not voting, 0.

Voting yea: Representatives Adams, Amen, Barnes, Bausch, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Conner, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Jueling, Kalich, Knowles, Kuehnle, Leckenby, Lee, Luders, Matthews, Maxie, McCormick, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Bagnariol, Bauer, Becker, Bender, Boldt, Charette, Charney, Clemente, Cochrane, Douthwaite, Ehlers, Eng, Erickson, Fischer, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Kilbury, King, Laughlin, Lux, Lysen, Martinis; May, McKibbin, Moon, Moreau, O'Brien, Perry, Randall, Seeberger, Sherman, Shipnoco, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 125, by Senators Bailey, Walgren, Lewis (Harry) and Matson:

Prescribing cut-off dates.

The resolution was read the second time.

Mr. Pardini moved adoption of the following amendments:

On page 1, line 16 strike "school funding" and insert "public schools"

On page 1, line 21 strike "school funding" and insert "public schools"

Mr. Pardini spoke in favor of the amendments.

MOTION

Mr. King moved that further consideration of Engrossed Senate Concurrent Resolution No. 125 be deferred, and the resolution be held for tomorrow's second reading calendar.

Mr. King spoke in favor of the motion, and Representatives Pardini and Tilly spoke against it.

Mr. Conner demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to defer consideration of Engrossed Senate Concurrent Resolution No. 125, and the motion was lost by the following vote: Yeas, 44; nays, 53; not voting, 0.

Voting yea: Representatives Bagnariol, Bauer, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Gaines, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Kilbury, King, Laughlin, Luders, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, O'Brien, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams.

Voting nay: Representatives Adams, Amen, Barnes, Bausch, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Jueling, Kalich, Knowles, Kuehnle, Leckenby, Lee, Martinis, Matthews, McCormick, Nelson, Newhouse, North, Pardini, Parris, Parker, Patterson, Peterson, Polk, Schumaker, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

The Speaker stated the question before the House to be the amendments by Representative Pardini to Engrossed Senate Concurrent Resolution No. 125.

Mr. Bauer spoke in favor of the amendments, and they were adopted.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "I had overlooked that the amendments that were just adopted were on lines 16 and 21. I had earlier stated that if any members might want to consider an extension of one or two days for the introduction of bills, because we are at that point right now, I would hope that the Speaker would accept a one or two day extension amendment rather than chop it off right now. I hope we haven't gone beyond the point where some member who doesn't have his bill in and thought we would be going until Thursday or Friday would have the opportunity."

The Speaker: "We have in the past attempted to keep these amendments in order, but we have allowed members to go back on the matter."

Mr. Tilly moved adoption of the following amendments by Representatives Tilly, Hanna, Becker and Deccio:

On page 1, line 18 after "pension reform," insert "criminal justice and corrections"

On line 23 after "pension reform," insert "criminal justice and corrections"

Representatives Tilly, Knowles and Hanna spoke in favor of the amendments, and they were adopted.

On motion of Mr. King, the following amendment was adopted:

On page 1, lines 18 and 24 after "campaign funding" insert "and governmental officials' ethics."

On motion of Mr. Charnley, the following amendments were adopted:

On page 1, line 8 strike "Monday, January 19" and insert "Friday, January 23"

On page 1, line 10 strike "Wednesday, January 21" and insert "Monday, January 26"

On page 1, lines 13 and 14 strike "Friday, January 30" and insert "Friday, February 6"

Mr. Charnley moved adoption of the following amendment:

On page 1, lines 19 and 20 strike "Friday, February 6" and insert "Friday, February 13"

Mr. Charnley spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Charnley yielded to question by Mr. Patterson.

Mr. Patterson: "In effect does this last amendment really extend the length of the session by one week? Is that your intention?"

Mr. Charnley: "There is no sine die or cut-off of the legislature in itself within this resolution and the effect of this would be to extend consideration of all these bills. You are correct."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Charnley to Engrossed Senate Concurrent Resolution No. 125, and the amendment was adopted by the following vote: Yeas, 80; nays, 17; not voting, 0.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Paris, Parker, Perry, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Amen, Bond, Chandler, Dunlap, Eikenberry, Freeman, Gilleland, Hayner, Juelling, Kuehne, Matthews, Nelson, Patterson, Polk, Schumaker, Tilly, Whiteside.

On motion of Mr. Charnley, the following amendments were adopted:

On page 2, line 3 strike "Friday, January 30" and insert "Friday, February 6"

On page 2, line 5 strike "Friday, February 6" and insert "Friday, February 13"

Mr. Curtis moved that the rules be suspended, the second reading considered the third, and Engrossed Senate Concurrent Resolution No. 125 as amended by the House be placed on final passage.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance Engrossed Senate Concurrent Resolution No. 125 as amended by the House to third reading and final passage, and the motion was lost by the following vote: Yeas, 64; nays, 33; not voting, 0.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Conner, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Knowles, Kuehne, Leckenby, Lee, Luders, Matthews, Maxie, McCormick, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Smith E. P., Smith R., Sommers, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Douthwaite, Ehlers, Eng, Erickson, Fischer, Hanna, Haussler, Hawkins, Hurley G. S., Kilbury, King, Laughlin, Lux, Lysen, Martinis, May, McKibbin, Moon, Moreau, Perry, Seeberger, Sherman, Shipoch, Thompson, Valle, Williams.

Engrossed Senate Concurrent Resolution No. 125 as amended by the House was passed to Committee on Rules for third reading.

MOTIONS

On motion of Mr. King, the House advanced to the eighth order of business.

Mr. Pardini moved that the House dispense with further business under the Call of the House.

The motion was lost.

RESOLUTION

HOUSE RESOLUTION, by Representatives Bauer, Becker, Bender, Boldt, Charnley, Clemente, Cochrane, Douthwaite, Ehlers, Eng, Erickson, Fischer, Hanna, Haussler, Hawkins, Hurley (George), King, Laughlin, Lux, Lysen, Kilbury, May, McKibbin, Moon, Moreau, Randall, Seeberger, Sherman, Shipoch, Smith (Rick), Sommers, Valle and Williams:

WHEREAS, A majority of the members of the House Democratic Caucus have expressed a lack of confidence in the leadership of the Speaker of the House of Representatives; and

WHEREAS, A request for his immediate resignation as Speaker has been made by said majority and has been refused by said Speaker;

BE IT THEREFORE RESOLVED, That the Office of Speaker of the House of Representatives be now declared vacant.

Mr. King moved that the resolution be adopted.

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "Mr. Speaker, in looking over the proposed resolution, would, in effect, the inaction of the House be opposite of an election procedure? As I read our House rules, it takes a constitutional majority or fifty votes to elect a Speaker. Would it then not also require fifty votes to unelect or to pass such a resolution as this?"

SPEAKER'S RULING

The Speaker: "The Speaker is going to rule that the House resolution is out of order because it would have to take a rule change in order to vacate the office of Speaker. There is a procedure by which you can submit your rule change and proceed to debate the question. The rule states that the officers elected will serve until the next regular session."

POINT OF ORDER

Mr. King: "All rules of parliamentary procedure would indicate that a presiding officer who has a personal interest in an item before the body would step aside before he would make a ruling which would have a direct impact on the body's right to consider that matter. Now you are making a ruling that would deny this body the right to vote on something that is of direct interest to yourself. I think the point of order would be that you should turn the Chair over to somebody else and then allow that decision to be made by that other person, whatever that person's decision was; then we could proceed in order."

The Speaker: "Representative King, I think there is an orderly procedure by which you can bring this matter to the attention of the House by posting a notice of a rule change and then we can proceed. I think the rules are quite clear in this matter and therefore I think it's a very easy matter to bring before the House. I discussed this with you before and I don't see any problem with it."

POINT OF ORDER

Mr. Moon: "Mr. Speaker, I would cite to you Rule 21, which says, 'Any member desiring to introduce a bill, memorial or resolution on or after the opening day of any session, except resolutions having to do with business of the house . . .', and this is an exception, 'shall file the same with the chief clerk not later than 12:00 (noon), on the day before the next convening session; and which bill, memorial or resolution shall be numbered and read on the next convening day, in the order filed.' I think this is properly before us at this time."

SPEAKER'S RULING

The Speaker: "Mr. Moon, if you wish to present this then all you have to do is move that the rules be suspended and the House consider House Resolution No.—whatever number it is. You have the procedure or you move to change the rules."

APPEAL FROM DECISION OF CHAIR

Mr. King appealed the decision of the Chair.

Mr. Moon demanded an oral roll call and the demand was sustained.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

The Speaker stated the question before the House to be "Shall the decision of the Chair stand as the judgment of the House?"

POINT OF PARLIAMENTARY INQUIRY

Mr. King: "Mr. Speaker, I would like to be sure that we understand the ruling that is being appealed. I would like you to state it as you understand it so that we will know what we are voting on."

The Speaker: "The Speaker has ruled that this House Resolution calling for a vacation of the office of Speaker of the House of Representatives is out of order."

Mr. King: "Are you saying that it's out of order because it has not been on the desk 24 hours? Is that the ruling?"

The Speaker: "Because the office of Speaker is a two-year office, and in order to vacate that office it would mean a change in the House Rules."

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "In line with your ruling, is it my understanding that you have so informed, yourself personally as Speaker of the House of Representatives, these thirty-three members, and they have had an opportunity to follow the orderly procedure by placing this on the desk one day in advance by giving notice of rule change? Has that advice been given to the makers of this resolution?"

The Speaker: "My understanding is that they knew that the Speaker ahead of time thought that the best procedure was to put a rule change on the desk so there wouldn't be any confusion or problem with the House expressing its desire."

Mr. King spoke in favor of his appeal.

Mr. Hurley (George) spoke in favor of the appeal.

SPEAKER'S ADMONITION

The Speaker: "Representative Hurley, I think we should save that kind of debate until after we have finished the issue about whether or not the body wishes to sustain the Chair's ruling. Your remarks can be well addressed at a later time."

Mr. Newhouse spoke in favor of sustaining the Chair's decision, and Representatives Moon and Sommers spoke against it.

SPEAKER'S ADMONITION

The Speaker: "Representative Sommers, I think we should stay within the realms of whether or not this House sustains the Speaker's ruling. There will be time to debate this at a later time. I think we should limit ourselves to the point of order."

Ms. Sommers: "Mr. Speaker, are you explaining to me that the point here is not an action of the presiding officer?"

The Speaker: "What I am saying is the point of order here is whether or not the Speaker's decision was correct in ruling that in order to consider this, you have to have a two-thirds vote and suspend the rules. This is what we are talking about; we are not talking about any past actions of the Speaker or any past actions of anybody. What we are talking about is the technical appeal of this decision."

Ms. Sommers: "Mr. Speaker, are you saying that the remarks that I was about to make would be out of order?"

The Speaker: "The remarks you have made were out of order."

Mr. Blair spoke against sustaining the decision of the Chair.

Mr. Kalich demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the question "Shall the decision of the Chair stand as the judgment of the House?" and the decision of the Chair was sustained by the following vote: Yeas, 56; nays, 41; not voting, 0.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bausch, Berentson, Bond, Ceccarelli, Chandler, Charette, Conner, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Jueling, Kalich, Knowles, Kuehnle, Leckenby, Lee, Luders, Martinis, Matthews, McCormick, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Polk, Schumaker, Tilly, Warnke, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Bauer, Becker, Bender, Blair, Boldt, Brown, Charnley, Clemente, Cochrane, Douthwaite, Ehlers, Eng, Erickson, Fischer, Hanna, Haussler, Hawkins, Hurley G.S., Kilbury, King, Laughlin, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, Perry, Peterson, Randall, Seeberger, Sherman, Shinpoch, Smith E.P., Smith R., Sommers, Thompson, Valle, Whiteside, Williams.

NOTICE OF AMENDMENT TO HOUSE RULES

Mr. Moon served notice that he would, on the next working day, offer an amendment to the House Rules.

MOTIONS

On motion of Mr. Charette, the House dispensed with further business under the Call of the House.

On motion of Mr. Charette, the House adjourned until 10:30 a.m., Thursday, January 22, 1976.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

EIGHTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, January 22, 1976.

The House was called to order at 10:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jolyn Johnson and Darren Bunnell. Prayer was offered by the Reverend Glen D. Cole of the Evergreen Christian Center of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MOTION

On motion of Mr. Conner, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker. The Clerk called the roll and all members were present.

POINT OF PERSONAL PRIVILEGE

The Speaker: "As Speaker I would like to take a moment to talk with the House under personal privilege. I don't think I've used this as Speaker. I think the time has come for me to put a halt to our divisions here within this House. Out of respect for this House, and in my pride in what we have accomplished over these last three years, and in consideration of my family, I am submitting my resignation as Speaker effective tomorrow.

I have become the center of a controversy I don't believe is justified, but nonetheless the fact is that it is there. Some have turned to criticism rather than constructively working on the issues before us. In the last ten days in my caucus there have been no discussions of education, pensions, taxes or budgets. The work we were sent here to do has taken second place to political infighting and it is becoming more and more emotional. I cannot see that continue and I will not be the excuse for it.

Clearly, I do resign with great grief and regret because my dream has been that of an independent legislature, free of outside forces—a legislature with the ability to analyze on our own; a legislature with a staff able to help us evaluate the information and the opinions of those who come before this body for help or assistance. My dream is that we listen to all, but really give only to those we believe deserve it.

I must say that I really have enjoyed serving as your Speaker for three years and as I return to my seat on the floor of this House, I do make a request of the House. I appeal to all of you to put a stop to the divisions of the past, and to my friends who support me and to those who think otherwise, please, all of you, let's unite together and get on with the business of the House. I will work for that and I hope that you will too. Thank you very much for your past courtesies."

(Applause)

Speaker Pro Tempore O'Brien assumed the Chair.

MOTIONS

On motion of Mr. Charette, the House advanced to the eighth order of business.

Mr. Charette moved that the House immediately consider the Rule change put on the desk by Representative Moon.

Mr. Moon stated that with the consent of the House he would withdraw the amendment to the rules.

POINT OF ORDER

Mr. Charette: "Don't the rules provide that it requires the consent of the House to withdraw such a matter? I object."

The Clerk read the following amendment to Rule 2 of the House Rules by Representative Moon:

At the end of the first paragraph after "session" strike the period and insert ": PROVIDED, HOWEVER, Any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their vote entered on the journal. If any office is declared vacant the house shall fill such vacant office as hereinafter provided."

Mr. Moon moved that the House not adopt the amendment.

Mr. Charette spoke in favor of the amendment.

Mr. Kuehnle moved adoption of the amendment to House Rule 2.

Mr. Pardini demanded an electric roll call vote and the demand was sustained.

Mr. King moved adoption of the following amendment to the Moon amendment to House Rule 2:

On line 6 after "journal" insert ", but such vote shall not be taken until after the expiration of seventy-two hours following the filing of written notice to call for a vote to declare such vacancy"

Mr. King spoke in favor of the amendment to the amendment, and Mr. Newhouse spoke against it.

POINT OF ORDER

Mr. King: "Mr. Newhouse is not addressing the amendment."

The Speaker (Mr. O'Brien presiding): "If you will please hold your comments to the amendment."

Representatives Kuehnle, Charette and Pardini spoke against the amendment to the amendment.

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Hurley (George).

Mr. Hurley (G.): "I am curious why yesterday you opposed Representative Moon's amendment, and today you are supporting it? It seems a rather inconsistent position."

Mr. Pardini: "Thank you for the opportunity, Mr. Hurley. The situation yesterday was vastly different from the situation today. The situation yesterday was a pell mell intent by a group of people who had no idea where they were going to lead us in a little bit of a stampede. That obstacle has now been removed, and I think that now that we have an orderly progress, we have lowered our voices, I see nothing wrong with this. Yesterday I voted to preserve the rules as they were established by this House. Several of my colleagues voted with me to preserve the rules established by this House. As a result of that, today we are again addressing that problem. The question is before us, we very simply made up our minds. A majority of the people should do what the rules say. Yesterday the proponents of this rule change ignored advice given to them by the Speaker of the House when he suggested that this was the proper way to do it. He gave them a week's warning. They ignored that advice and came in here and tried to stampede this entire body. We would not be stampeded yesterday; we shall not be stampeded at any time during the session. We intend to abide by the rules and vote reasonable rules."

The amendment to the amendment was not adopted.

Mr. Moon spoke in favor of the amendment to the House rules.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Moon to House Rule No. 2, and the amendment was adopted by the following vote: Yeas, 96; nays, 0; not voting, 1.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representative Luders.

MOTION

On motion of Mr. Charette, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

January 21, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 3002,
SENATE BILL NO. 3023,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1522, by Representatives Newhouse, Leckenby and Matthews:

AN ACT Relating to higher education; amending section 28B.15.200, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.200; amending section 28B.15.300, chapter 223, Laws of 1969 ex. sess. as last amended by section 7, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.300; amending section 28B.15.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.400; and amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1523, by Representatives Newhouse and Berentson:

AN ACT Relating to the Washington Industrial Safety and Health Act; and amending section 3, chapter 80, Laws of 1973 and RCW 49.17.030.

To Committee on Labor

HOUSE BILL NO. 1524, by Representatives Sommers, Nelson and Hurley (Margaret) (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.

To Committee on State Government

HOUSE BILL NO. 1525, by Representatives Warnke, Kuehnle and Wojahn (by Department of Motor Vehicles request):

AN ACT Relating to real estate brokers and salesmen; and adding a new section to chapter 18.85 RCW.

To Committee on Commerce

HOUSE BILL NO. 1526, by Representatives Nelson, Sommers and McKibbin:

AN ACT Relating to state government; amending section 9, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.090; amending section 11, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.110; creating a new section; repealing section 26, chapter 290, Laws of 1953 and RCW 68.05.010; repealing section 27, chapter 290, Laws of 1953 and RCW 68.05.020; repealing section 28, chapter 290, Laws of 1953 and RCW 68.05.030; repealing section 31, chapter 290, Laws of 1953 and RCW 68.05.040; repealing section 32, chapter 290, Laws of 1953 and RCW 68.05.050; repealing section 33, chapter 290, Laws of 1953 and RCW 68.05.060; repealing section 34, chapter 290, Laws of 1953 and RCW 68.05.070; repealing section 35, chapter 290, Laws of 1953 and RCW 68.05.080; repealing section 39, chapter 290, Laws of 1953 and RCW 68.05.090; repealing section 36, chapter 290, Laws of 1953 and RCW

68.05.100; repealing section 37, chapter 290, Laws of 1953 and RCW 68.05.110; repealing section 38, chapter 290, Laws of 1953 and RCW 68.05.120; repealing section 42, chapter 290, Laws of 1953, section 12, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.130; repealing section 43, chapter 290, Laws of 1953, section 13, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.140; repealing section 44, chapter 290, Laws of 1953, section 14, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.150; repealing section 45, chapter 290, Laws of 1953, section 15, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.160; repealing section 46, chapter 290, Laws of 1953, section 1, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.170; repealing section 40, chapter 290, Laws of 1953, section 16, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.180; repealing section 41, chapter 290, Laws of 1953 and RCW 68.05.190; repealing section 47, chapter 290, Laws of 1953 and RCW 68.05.200; repealing section 48, chapter 290, Laws of 1953, section 2, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.210; repealing section 50, chapter 290, Laws of 1953, section 3, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.220; repealing section 51, chapter 290, Laws of 1953, section 4, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.230; repealing section 52, chapter 290, Laws of 1953 and RCW 68.05.240; repealing section 49, chapter 290, Laws of 1953 and RCW 68.05.250; repealing section 5, chapter 99, Laws of 1969 ex. sess., section 17, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.255; repealing section 53, chapter 290, Laws of 1953 and RCW 68.05.260; repealing section 29, chapter 290, Laws of 1953 and RCW 68.05.270; and repealing section 30, chapter 290, Laws of 1953, section 1, chapter 133, Laws of 1961 and RCW 68.05.280.

To Committee on State Government

HOUSE BILL NO. 1527, by Representatives Shinpoch, Bagnariol, Eikenberry, Polk and Sommers:

AN ACT Relating to Indian Tribal culture; providing for the planning, acquisition, construction, remodeling, furnishing, and equipping of a facility for the United Indians of All Tribes Foundation; providing for the financing thereof by the issuance of bonds and anticipation notes; creating new sections; and declaring an emergency.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1528, by Representatives Warnke, Newhouse and Bagnariol:

AN ACT Relating to the public employees' retirement system; and adding a new section to chapter 41.40 RCW.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1529, by Representatives Berentson, Thompson, Hansey and Gallagher:

AN ACT Relating to county operated ferries; 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 1, chapter 21, Laws of 1975 1st ex. sess. and RCW 47.56.725; and declaring an emergency.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1530, by Representatives Sherman, Hanna, Moreau and Bender:

AN ACT Relating to marking of official 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.

To Committee on State Government

HOUSE BILL NO. 1531, by Representatives Newhouse and Randall:

AN ACT Relating to open-space land; and amending section 6, chapter 87, Laws of 1970 ex. sess. as amended by section 7, chapter 212, Laws of 1973 1st ex. sess. and RCW 84.34.060.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1532, by Representatives Hanna, Boldt, Sherman, Becker, May, Moreau, Hawkins, Bagnariol, Smith (Edward), Cochrane and Laughlin:

AN ACT Relating to the development of supplemental job training and placement; adding a new chapter to Title 74 RCW; and declaring an emergency.

To Committee on Social and Health Services

HOUSE BILL NO. 1533, by Representatives Warnke and Wojahn (by Department of Motor Vehicles request):

AN ACT Relating to the regulation of the sale of land; amending section 9, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.090; amending section 10, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.100; and amending section 29, chapter 12, Laws of 1973 1st ex. sess. and RCW 58.19.290.

To Committee on Commerce

HOUSE BILL NO. 1534, by Representatives Wojahn and Warnke (by Department of Motor Vehicles request):

AN ACT Relating to the regulation of the sale of land; and adding a new section to chapter 58.19 RCW.
To Committee on Commerce

HOUSE BILL NO. 1535, by Representatives Wojahn, Knowles and Fortson:

AN ACT Relating to crimes and criminal procedure; amending section 9A.20.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.010; amending section 9A.20.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.040; amending section 9A.28.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.28.010; amending section 9A.28.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.28.020; amending section 9A.28.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.28.040; amending section 9A.32.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.030; amending section 9A.32.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.050; amending section 9A.32.060, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.060; amending section 9A.32.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.32.070; amending section 9A.36.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.010; amending section 9A.36.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.020; amending section 9A.36.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.030; amending section 9A.36.060, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.060; amending section 9A.40.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.40.020; amending section 9A.40.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.40.030; amending section 9A.40.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.40.040; amending section 9A.48.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.020; amending section 9A.48.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.030; amending section 9A.48.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.040; amending section 9A.48.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.070; amending section 9A.48.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.080; amending section 9A.52.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.020; amending section 9A.52.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.030; amending section 9A.56.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.030; amending section 9A.56.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.040; amending section 9A.56.060, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.060; amending section 9A.56.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.070; amending section 9A.56.080, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.080; amending section 9A.56.120, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.120; amending section 9A.56.130, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.130; amending section 9A.56.150, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.150; amending section 9A.56.160, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.160; amending section 9A.56.200, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.200; amending section 9A.56.210, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.56.210; amending section 9A.60.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.020; amending section 9A.60.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.030; amending section 9A.64.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.64.010; amending section 9A.64.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.64.020; amending section 9A.68.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.68.010; amending section 9A.68.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.68.020; amending section 9A.68.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.68.030; amending section 9A.68.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.68.040; amending section 9A.68.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.68.050; amending section 9A.72.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.020; amending section 9A.72.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.030; amending section 9A.72.090, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.090; amending section 9A.72.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.100; amending section 9A.72.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.110; amending section 9A.72.120, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.120; amending section 9A.72.130, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.130; amending section 9A.76.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.070; amending section 9A.76.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.110; amending section 9A.76.120, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.120; amending section 9A.76.140, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.140; amending section 9A.76.150, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.150; amending section 9A.76.170, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.170; amending section 9A.76.180, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.180; amending section 9A.84.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.84.010; amending section 9A.88.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.88.020; amending section 9A.88.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.88.070; amending section 9A.88.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.88.100; adding new sections to chapter 260, Laws of 1975 1st ex. sess. and to chapter 9A.20 RCW; declaring an emergency; and providing an effective date.

To Committee on Judiciary

HOUSE BILL NO. 1536, by Representatives Sommers, Polk, Chandler and Matthews (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to higher education; amending section 28B.15.200, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.200; amending section 28B.15.300, chapter 223, Laws of 1969 ex. sess. as last amended by section 7, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.300; amending section 28B.15.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.400; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500; amending section 11, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.530; amending section 22, chapter 279, Laws of 1971 ex. sess. as amended by section 3, chapter 149, Laws of 1972 ex. sess. and RCW 28B.15.620; amending section 23, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.630; amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.15.380; creating new sections; and making an effective date.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1537, by Representatives Hawkins, Douthwaite and Lux:

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.

To Committee on Local Government

HOUSE BILL NO. 1538, by Representatives Douthwaite, Valle and O'Brien:

AN ACT Relating to library trustees; amending section 8, chapter 119, Laws of 1935 as last amended by section 3, chapter 122, Laws of 1965 and RCW 27.12.190; and adding a new section to chapter 27.12 RCW.

To Committee on Local Government

HOUSE BILL NO. 1539, by Representative Douthwaite:

AN ACT Relating to revenue and taxation; amending section 6, chapter 94, Laws of 1970 ex. sess. as amended by section 3, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.050; amending section 7, chapter 94, Laws of 1970 ex. sess. as amended by section 4, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.060; adding a new section to chapter 94, Laws of 1970 ex. sess. and to chapter 82.14 RCW; adding a new chapter to Title 82 RCW; and prescribing an effective date.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1540, by Representatives Deccio, Hansen, Hansey, Newhouse, Flanagan, Boldt, Kilbury and McCormick:

AN ACT Relating to highway signs; and amending section 4, chapter 96, Laws of 1961 as last amended by section 1, chapter 271, Laws of 1975 1st ex. sess. and RCW 47.42.040.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1541, by Representative Lysen:

AN ACT Relating to the public disclosure commission; and making an appropriation.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1542, by Representatives Deccio, Bagnariol, Pardini, Kilbury and Boldt:

AN ACT Relating to insurance; and adding a new section to chapter 48.05 RCW.

To Committee on Financial Institutions

HOUSE BILL NO. 1543, by Representatives Erickson and Randall:

AN ACT Relating to revenue and taxation; amending section 2, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.442; amending section 8, chapter 169, Laws of 1974 ex. sess. as amended by section 17, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.36.470; amending section 3, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.400; 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; 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; prescribing effective dates; and declaring an emergency.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1544, by Representatives Ceccarelli, Pardini, Bagnariol, Deccio and McCormick:

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.

To Committee on Financial Institutions

HOUSE BILL NO. 1545, by Representative Curtis:

AN ACT Relating to public utility districts.

To Committee on Rules

HOUSE JOINT MEMORIAL NO. 27, by Representatives Sommers, Tilly, Becker, Whiteside, Erickson, Fortson, North, Fischer, Lux and Smith (Edward):

Requesting the federal government to reorganize the need for legislation restricting violence on children's television programs.

To Committee on Social and Health Services

HOUSE JOINT RESOLUTION NO. 78, by Representatives Dunlap, Bauer, Freeman, Conner, Berentson, Leckenby, Hayner, Barnes, Ceccarelli, Wojahn, Bender, North, Sommers, Hanna, Erickson, Curtis, Pardini and Douthwaite:

Amending the Constitution to authorize school maintenance and operations excess levies for two year periods by majority voter approval at a general election.

To Committee on Education

ENGROSSED 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.

To Committee on Education

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.

To Committee on Education

MOTIONS

Mr. Charette moved that all bills, memorials and resolutions listed on today's agenda under fourth order of business be passed to the committee designated.

Ms. Maxie moved that Mr. Charette's motion be amended to exclude House Bill No. 1522 and House Bill No. 1536, and that they be referred to Committee on Higher Education.

Representatives Maxie, Charnley, Douthwaite, Nelson and Newhouse spoke in favor of the motion, and Representatives Charette, Pardini and Shinpoch spoke against it.

Ms. Maxie spoke again in favor of the motion, and it was carried.

MOTION

Mr. Polk moved that the amended motion by Mr. Charette be amended further to refer Engrossed Senate Bill No. 3002 to Committee on Judiciary.

Mr. Polk spoke in favor of the motion, and Mr. Bauer spoke against it.

ROLL CALL

The Clerk called the roll on the motion by Representative Polk to refer Engrossed Senate Bill No. 3002 to Committee on Judiciary, and the motion was lost by the following vote: Yeas, 31; nays, 62; not voting, 4.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Hansen, Hansey, Hayner, Jueling, Kuehnle, Leckenby, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Wilson.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Haley, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wojahn, Zimmerman.

Not voting: Representatives Lee, Luders, Parker, and Mr. Speaker.

The motion by Mr. Charette as amended was carried.

REPORTS OF STANDING COMMITTEES

January 20, 1976

HOUSE BILL NO. 514, Prime Sponsor: Representative Parker, revising laws regulating county utility services. Reported by Committee on Local Government.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Subcommittee Chairman; Kalich, Lysen, Subcommittee Chairman; Laughlin, Subcommittee Chairman; Amen, Blair, Cochrane, Eng, Fischer, Lee, McCormick, North, Paris, Smith, Whiteside.

To Committee on Rules for second reading.

January 20, 1976

HOUSE BILL NO. 1264, Prime Sponsor: Representative Martinis, authorizing the department of natural resources to exchange lands for recreation and preservation purposes. Reported by Committee on Natural Resources.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Martinis, Chairman; Bausch, Vice Chairman; Bond, Clemente, Gilleland, Greengo, Hansey, Haussler, Kalich, Kilbury, Matthews, Moreau, Smith (Rick).

To Committee on Rules for second reading.

January 21, 1976

HOUSE BILL NO. 1315, Prime Sponsor: Representative Thompson, placing educational service districts on same holiday schedule as provided for public schools. Reported by Committee on Education.

MAJORITY recommendation: Do Pass. Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Bender, Boldt, Brown, Dunlap, Ehlers, Fortson, Gaspard, Haley, Hendricks, Hurley (George), Valle, Whiteside.

To Committee on Rules for second reading.

January 20, 1976

HOUSE BILL NO. 1330, Prime Sponsor: Representative Fortson, amending procedures for contesting elections. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: Do pass with the following amendments:
On page 2, line 27 after "contest" insert "based on such person's residency qualifications"
On page 2, line 29 after "as to" strike "cause" and insert "such residency"

Signed by Representatives King, Chairman; Fortson, Vice Chairwoman; Barnes, Chandler, Erickson, Hawkins, Knowles, Lysen, Sherman.

To Committee on Rules for second reading.

January 20, 1976

HOUSE BILL NO. 1337, Prime Sponsor: Representative Sommers, allowing the state fire marshal access to state criminal records. Reported by Committee on State Government.

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hendricks, Hurley (Margaret), Leckenby, McKibbin, Nelson.

To Committee on Rules for second reading.

January 20, 1976

HOUSE BILL NO. 1376, Prime Sponsor: Representative Blair, 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.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 16 after "43.08.066" insert "as now or hereafter amended"

On page 1, following section 1, insert a new section as follows:

"Sec. 2. Section 43.08.064, chapter 8, Laws of 1965, as amended by section 1, chapter 61, Laws of 1965 ex. sess. and RCW 43.08.064, are each amended to read as follows:

In case of the loss or destruction of a state warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by any state officer, or agency, such officer, or such agency through its appropriate officer may issue or cause to be issued a duplicate in lieu thereof, bearing the same number, class, or designation in all respects and for the same amount as the original, except that the word duplicate shall plainly appear upon the face of the new instrument in such a manner as to clearly identify it as a duplicate instrument. The duplicate instrument so issued shall be subject in all other respects to the same provisions of law as the original instrument: **PROVIDED, That the requirements of RCW 43.08.066(2) shall not be applicable to instruments received by officers or employees of the state for payment of salary or wages or as other compensation for work performed.**"

On page 1, line 2 of the title, after "indebtedness," strike "and" and on line 3 after "39.72.010" insert "; and amending section 43.08.064, chapter 8, Laws of 1965, as amended by section 1, chapter 61, Laws of 1965 ex. sess. and RCW 43.08.064"

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hendricks, Hurley (Margaret), Leckenby, McKibbin, Nelson, Williams.

To Committee on Rules for second reading.

January 21, 1976

HOUSE BILL NO. 1404, Prime Sponsor: Representative Boldt, 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 with the following amendment:

On page 1, line 9 after "improvements" strike all material down to and including "grounds" on line 11 and insert ", (~~and~~) the equipping or furnishing of school district buildings or grounds, or the acquisition of improved or unimproved real property: **PROVIDED, That such acquisition shall be made only in contemplation of using such improved or unimproved real property for school district purposes**"

Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Bender, Boldt, Dunlap, Ehlers, Fortson, Gaspard, Haley, Hayner, Hendricks, Hurley (George), Valle, Whiteside.

To Committee on Rules for second reading.

January 21, 1976

HOUSE JOINT RESOLUTION NO. 15, Prime Sponsor: Representative Thompson, amending the Constitution to authorize approval of special levies by majority vote and permitting a single election in each twelve month period. Reported by Committee on Education.

MAJORITY recommendation: Do pass. Signed by Representative Bauer, Chairman; Clemente, Vice Chairman; Barnes, Bender, Brown, Dunlap, Ehlers, Fortson, Gaspard, Haley, Hayner, Hendricks, Hurley (George), Valle, Whiteside.

To Committee on Rules for second reading.

SECOND READING

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.

(For previous action see Journal, Sixteenth Day, 2nd ex. sess, January 20, 1976.)

The Speaker (Mr. O'Brien presiding) announced that the committee amendments had been adopted previously.

Mr. Greengo moved adoption of the following amendment:

On page 1, line 12 after "(1)" strike "No" and insert the following "A reasonable effort to obtain such consent as is required under RCW 68.08.510 is made, within the time period during which corneal tissue is a viable transplant, and no"

Representatives Greengo and Conner spoke in favor of the amendment, and it was adopted.

Mr. Greengo moved adoption of the following amendment:

On page 1, line 23 after "objection" insert ": PROVIDED, That corroborating evidence is presented that the provisions of section 1 (1) have been complied with"

Representatives Greengo and Kuehnle spoke in favor of the amendment, and Mr. Eikenberry spoke against it.

POINT OF INQUIRY

Mr. Greengo yielded to question by Mr. Charnley.

Mr. Charnley: "The language of this second amendment of yours has me confused. It says, 'corroborating evidence is presented.' I wonder if you might explain to me what you mean by presented—by whom and to whom—and in what form?"

Mr. Greengo: "It still has to go back to the wording of the second section where it says, 'In any subsequent civil action in which the next of kin of a decedent contends. . . .' It would have to be a court action in which that constitutes the defense."

Representatives Charnley, Leckenby and Parker spoke against the amendment, and Mrs. Hurley (Margaret) spoke in favor of it.

Mr. Eikenberry spoke again in opposition to the amendment, and Mr. Greengo closed debate, speaking in favor.

The amendment was not adopted.

On motion of Mr. Kuehnle, the following amendment was adopted:

On page 1, line 12 before "(1)" insert "(1) Ready identification of the decedent is impossible, or" Renumber the remaining subsections consecutively.

House Bill No. 1244 was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 769, by Representatives Newhouse and Bagnariol:

Permitting domestic wineries to wholesale their own product.

The bill was read the second time.

On motion of Mr. Warnke, Substitute House Bill No. 769 was substituted for House Bill No. 769, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 769 was read the second time, and passed to Committee on Rules for third reading.

HOUSE BILL NO. 771, by Representatives Newhouse and Bagnariol:

Permitting wine-tasting at wineries.

The bill was read the second time.

On motion of Mr. Warnke, Substitute House Bill No. 771 was substituted for House Bill No. 771, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 771 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 779, by Representatives King, Hendricks and Thompson:

Permitting employees of political subdivisions of the state to join the state employees' insurance and health care system.

The bill was read the second time.

On motion of Ms. Sommers, Substitute House Bill No. 779 was substituted for House Bill No. 779, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 779 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1107, by Representatives Ceccarelli, Blair, Hanna, Sommers and Bagnariol:

Authorizing the sale of beer at stadiums.

The bill was read the second time.

On motion of Mr. Warnke, Substitute House Bill No. 1107 was substituted for House Bill No. 1107, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1107 was read the second time.

Mr. Kuehnle moved adoption of the following amendment:

On page 5, lines 35 and 36 strike all new language.

Representatives Kuehnle and Chandler spoke in favor of the amendment, and Representative Warnke spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kuehnle to Substitute House Bill No. 1107, and the amendment was adopted by the following vote: Yeas, 58; nays, 33; not voting, 6.

Voting yea: Representatives Adams, Amen, Barnes, Becker, Bond, Chandler, Charette, Charnley Douthwaite, Dunlap, Eikenberry, Eng, Fischer, Flanagan, Fortson, Freeman, Gilleland, Greengo, Hansen, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, King, Kuehnle, Laughlin, Leckenby, Lee, Lux, Matthews, McCormick, McKibbin, Nelson, Newhouse, North, Paris, Patterson, Peterson, Polk, Schumaker, Seeberger, Smith E. P., Sommers, Thompson, Tilly, Valle, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Bender, Blair, Boldt, Brown, Ceccarelli, Conner, Ehlers, Gaines, Gallagher, Gaspard, Haley, Hanna, Haussler, Hawkins, Kilbury, Knowles, Lysen, Martinis, Maxie, May, Moon, Moreau, O'Brien, Perry, Randall, Sherman, Shipoch, Smith R., Warnke, Williams.

Not voting: Representatives Berentson, Erickson, Luders, Pardini, Parker, and Mr. Speaker.

Mr. Kuehnle moved adoption of the following amendment:

On page 6, lines 1 and 2 strike all new language.

Mr. Kuehnle spoke in favor of the amendment, and Mr. Warnke spoke against it.

MOTION

Mr. King moved that the House advance to the eleventh order of business.

The motion was lost.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendment to page 6 of Substitute House Bill No. 1107 by Representative Kuehnle.

Mr. Kuehnle spoke in favor of adoption of the amendment.

MOTIONS

Mr. Newhouse moved that the Rules Committee be relieved of Engrossed Senate Concurrent Resolution No. 125, and that the resolution be made a special order of business at 3:00 p.m.

On motion of Mr. King, the House adjourned until 10:30 a.m., Friday, January 23, 1976.

LEONARD A. SAWYER, Speaker.

DEAN R. FOSTER, Chief Clerk.

NINETEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, January 23, 1976.

The House was called to order at 10:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Luders who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joy Kawasaki and Ray Healy. Prayer was offered by the Reverend Harold Ogren of the Evergreen Christian Center of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

January 22, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 3024,
ENGROSSED SENATE BILL NO. 3025,
SENATE BILL NO. 3026,
SENATE JOINT RESOLUTION NO. 137,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1546, by Representative Smith (Rick):

AN ACT Relating to special immunities; and amending section 2, chapter 216, Laws of 1967 as last amended by section 17, chapter 153, Laws of 1972 ex. sess. and RCW 4.24.210.

To Committee on Judiciary

HOUSE BILL NO. 1547, by Representative Smith (Rick):

AN ACT Relating to the training of pilots of bulk cargo carriers; 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; adding a new section to chapter 43.94 RCW; adding new sections to chapter 88.16 RCW; and making an appropriation.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1548, by Representative Smith (Rick):

AN ACT Relating to the financing of improvements to the ferry system; authorizing certain guarantees and pledges by the Washington toll bridge authority; and adding a new section to chapter 47.60 RCW.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1549, by Representatives Polk, Curtis, Eikenberry and Wilson:

AN ACT Relating to the legislative administrative review committee; amending section 1, chapter 186, Laws of 1963 and RCW 34.04.160; and declaring an emergency.

To Committee on State Government

HOUSE BILL NO. 1550, by Representatives Parker and Fortson:

AN ACT Relating to health and emergency services; establishing a common state-wide telephone number; adding a new chapter to Title 70 RCW; and providing for submission of this act to a vote of the people.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1551, by Representatives Hayner, Flanagan and Hansen:

AN ACT Relating to liens; amending section 2, chapter 264, Laws of 1961 and RCW 60.22.020; and declaring an emergency.

To Committee on Agriculture

HOUSE BILL NO. 1552, by Representatives Boldt and Laughlin:

AN ACT Relating to commission merchants of agricultural products; amending section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.010; amending section 8, chapter 139, Laws of 1959 as amended by section 5, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.080; amending section 32, chapter 139, Laws of 1959 and RCW 20.01.320; amending section 33, chapter 139, Laws of 1959 as amended by section 11, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.330; amending section 43, chapter 139, Laws of 1959 as amended by section 9, chapter 102, Laws of 1974 ex. sess. and RCW 20.01.430; adding a new section to chapter 20.01 RCW; and repealing section 14, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.480.

To Committee on Agriculture

HOUSE BILL NO. 1553, by Representative Sommers (by State Productivity Council request):

AN ACT Relating to public employees; providing that the state system of personnel administration shall include training and career development; amending section 1, chapter 1, Laws of 1961 and RCW 41.06.010; amending section 1, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.020; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150; creating new sections; adding new sections to chapter 41.06 RCW; making an appropriation; and prescribing an effective date.

To Committee on State Government

HOUSE BILL NO. 1554, by Representatives Kalich and Moon:

AN ACT Relating to apiaries; adding new sections to chapter 11, Laws of 1961 and to chapter 15.60 RCW; and prescribing penalties.

To Committee on Agriculture

HOUSE BILL NO. 1555, by Representative Parker:

AN ACT Relating to minimum wages; and amending section 2, chapter 294, Laws of 1959 as last amended by section 2, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.020.

To Committee on Labor

HOUSE BILL NO. 1556, by Representatives Parker and Smith (Rick):

AN ACT Relating to minimum wages; amending section 1, chapter 294, Laws of 1959 as last amended by section 1, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.010; and amending section 2, chapter 294, Laws of 1959 as last amended by section 2, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.020.

To Committee on Labor

HOUSE BILL NO. 1557, by Representatives Sherman, Ehlers, North, Hansen, Erickson and Flanagan:

AN ACT Relating to municipal gasworks; amending section 35.21.290, chapter 7, Laws of 1965 and RCW 35.21.290; and amending section 35.21.300, chapter 7, Laws of 1965 and RCW 35.21.300.

To Committee on Local Government

HOUSE BILL NO. 1558, by Representatives Charnley, Leckenby, Perry, Hansen, McCormick and Fischer:

AN ACT Relating to motor vehicles; and amending section 48, chapter 155, Laws of 1965 ex. sess. as last amended by section 31, chapter 62, Laws of 1975 and RCW 46.61.350.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1559, by Representative North:

AN ACT Relating to port districts; amending section 3, chapter 17, Laws of 1959 as amended by section 1, chapter 51, Laws of 1965 and RCW 53.12.010; amending section 4, chapter 17, Laws of 1959 as last amended by section 2, chapter 51, Laws of 1965 and RCW 53.12.020; amending section 9, chapter 175, Laws of 1959 as amended by section 3, chapter 51, Laws of 1965 and RCW 53.12.035; creating a new section; and adding new sections to chapter 53.12 RCW.

To Committee on Local Government

HOUSE BILL NO. 1560, by Representatives Gaines, Gaspard, Warnke and Bagnariol:

AN ACT Relating to retirement systems for law enforcement officers; adding new sections to chapter 41.26 RCW; and adding new sections to chapter 43.43 RCW.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1561, by Representative North:

AN ACT Relating to laundromats; and adding a new chapter to Title 70 RCW.

To Committee on Commerce

HOUSE BILL NO. 1562, by Representatives Hansen, Clemente and Brown (by Office of Program Planning and Fiscal Management request):

AN ACT Relating to motor vehicle excise taxes; amending section 82.44.020, chapter 15, Laws of 1961 as amended by section 2, chapter 199, Laws of 1963 and RCW 82.44.020; and prescribing effective dates.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1563, by Representative Sherman:

AN ACT Relating to minor political parties; amending section 29.01.090, chapter 9, Laws of 1965 and RCW 29.01.090; amending section 29.01.100, chapter 9, Laws of 1965 and RCW 29.01.100; amending section 29.18.020, chapter 9, Laws of 1965 and RCW 29.18.020; amending section 29.18.150, chapter 9, Laws of 1965 and RCW 29.18.150; 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; amending section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100; amending section 29.42.010, chapter 9, Laws of 1965 and RCW 29.42.010; adding new sections to chapter 29.18 RCW; repealing section 29.24.010, chapter 9, Laws of 1965 and RCW 29.24.010; repealing section 29.24.020, chapter 9, Laws of 1965 and RCW 29.24.020; repealing section 29.24.030, chapter 9, Laws of 1965 and RCW 29.24.030; repealing section 29.24.040, chapter 9, Laws of 1965 and RCW 29.24.040; repealing section 29.24.050, chapter 9, Laws of 1965 and RCW 29.24.050; repealing section 29.24.060, chapter 9, Laws of 1965 and RCW 29.24.060; repealing section 29.24.070, chapter 9, Laws of 1965 and RCW 29.24.070; repealing section 29.24.080, chapter 9, Laws of 1965 and RCW 29.24.080; repealing section 29.24.090, chapter 9, Laws of 1965 and RCW 29.24.090; and declaring an emergency.

To Committee on Constitution and Elections

HOUSE BILL NO. 1564, by Representatives Hawkins, Bender, Hanna, Boldt, Smith (Rick), Sherman and Moon:

AN ACT Relating to utilities; adding a new chapter to Title 80 RCW; defining crimes; and prescribing penalties.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1565, by Representatives Sommers, Nelson and Ehlers:

AN ACT Relating to administration of state health programs; amending section 11, chapter 117, Laws of 1951 as amended by section 1, chapter 85, Laws of 1971 ex. sess. and RCW 18.51.100; amending section 2, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.360; amending section 15, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.380; repealing section 2, chapter 75, Laws of 1965 and RCW 71.16.020; repealing section 3, chapter 75, Laws of 1965 and RCW 71.16.030; and repealing section 4, chapter 75, Laws of 1965 and RCW 71.16.040.

To Committee on Social and Health Services

HOUSE BILL NO. 1566, by Representatives Haussler, King, Knowles, Sommers and Laughlin:

AN ACT Relating to open public meetings; amending section 11, chapter 250, Laws of 1971 ex. sess. as amended by section 2, chapter 66, Laws of 1973 and RCW 42.30.110; and declaring an emergency.

To Committee on Judiciary

HOUSE BILL NO. 1567, by Representatives Hanna, Seeberger, Smith (Rick) and Gaspard:

AN ACT Relating to crime and punishment; adding a new chapter to Title 9A RCW; repealing section 9A.20.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.030; defining crimes; prescribing penalties; and providing an effective date.

To Committee on Judiciary

HOUSE JOINT RESOLUTION NO. 79, by Representatives Smith (Rick), Hayner, Zimmerman and Laughlin:

Prescribing restrictions on judges' activities.

To Committee on Judiciary

HOUSE JOINT RESOLUTION NO. 80, by Representatives Smith (Rick), Hayner and Zimmerman:

Providing an alternative method for selecting the chief justice and assistant chief justice.

To Committee on Judiciary

HOUSE JOINT RESOLUTION NO. 81, by Representatives Smith (Rick) and Zimmerman:

Increasing authorized number of court commissioners.

To Committee on Judiciary

HOUSE JOINT RESOLUTION NO. 82, by Representatives Smith (Rick), Hayner and Zimmerman:

Establishing a judicial qualifications commission.

To Committee on Judiciary

HOUSE JOINT RESOLUTION NO. 83, by Representatives Zimmerman and Laughlin:

Providing for the selection and tenure of judges.

To Committee on Judiciary

HOUSE JOINT RESOLUTION NO. 84, by Representative Randall:

Pertaining to revenue and taxation.

To Committee on Rules

HOUSE JOINT RESOLUTION NO. 85, by Representative Randall:

Pertaining to revenue and taxation.

To Committee on Rules

HOUSE JOINT RESOLUTION NO. 86, by Representative Randall:

Pertaining to revenue and taxation.

To Committee on Rules

HOUSE JOINT RESOLUTION NO. 87, by Representative Randall:

Pertaining to revenue and taxation.

To Committee on Rules

ENGROSSED 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.

To Committee on Education

ENGROSSED SENATE BILL NO. 3025, by Select Committee on Education: Endorsed by Senators Stortini, Gould, Odegaard, Ridder, Donohue, Newschwander, Jones and Wanamaker:

Mandating school districts to set forth policy for reduction-in-force of school personnel.

To Committee on Education

SENATE BILL NO. 3026, by Select Committee on Education: Endorsed by Senators Gould, Stortini, Odegaard, Ridder, Jones, Donohue, Newschwander and Wanamaker:

Learning objectives.

To Committee on Education

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.

To Committee on Education

MOTION

On motion of Mr. Thompson, all bills, resolutions and memorials listed on today's agenda under fourth order of business were passed to the committees designated.

REPORTS OF STANDING COMMITTEES

January 21, 1976

HOUSE BILL NO. 1255, Prime Sponsor: Representative Conner, prescribing increase in disability death and survivors benefits for volunteer firemen. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass. Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Subcommittee Chairman; Laughlin, Subcommittee Chairman; Amen, Cochrane, Fischer, Lee, North, Smith (Edward), Whiteside.

To Committee on Rules for second reading.

January 21, 1976

HOUSE BILL NO. 1343, Prime Sponsor: Representative Thompson, setting legislator's salaries at \$7200 per year. Reported by Committee on State Government.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 24 after "legislature" insert "who are constitutionally eligible to receive the increase in compensation provided herein by virtue of having been appointed after the effective date of this 1976 amendatory act, or elected or reelected subsequent to the expiration of their current term of office,"

On page 1, line 25 after "annum" insert ", effective January 10, 1977"

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hendricks, Leckenby, McKibbin, Nelson, O'Brien, Polk, Williams.

To Committee on Rules for second reading.

January 21, 1976

HOUSE BILL NO. 1375, Prime Sponsor: Representative Sommers, increasing salaries of elected officials of the executive branch. Reported by Committee on State Government.

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Hendricks, McKibbin, Nelson, O'Brien, Polk, Williams.

To Committee on Rules for second reading.

January 21, 1976

HOUSE BILL NO. 1383, Prime Sponsor: Representative Haussler, authorizing local governments to employ hearing examiners for land use planning cases. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass with the following amendments:

On page 4, after line 5 add a new section as follows:

"NEW SECTION. Sec. 4. There is added to chapter 58.17 RCW a new section to read as follows:

As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system (1) under which a hearing examiner or hearing examiners shall hear and issue recommendations on proposals for preliminary plat approval; and (2) which shall prescribe procedures to be followed by the hearing examiner or hearing examiners."

On page 1, line 2 of the title after "35A.63 RCW;" strike "and" and on line 3 after "RCW" insert "; and adding a new section to chapter 58.17 RCW"

Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Laughlin, Amen, Cochrane, Eng, Fischer, Lee, North, Paris, Smith (Edward), Whiteside.

To Committee on Rules for second reading.

January 21, 1976

HOUSE BILL NO. 1430, Prime Sponsor: Representative King, prescribing a code of ethics for public officials. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: Do pass with the following amendments:

On page 5 after line 4 insert a new section as follows:

"Sec. 2. Section 36, chapter 1, Laws of 1973 and RCW 42.17.360 are each amended to read as follows:

The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter(†);

(2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

(3) Compile and maintain a current list of all filed reports and statements;

(4) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

(5) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities: PROVIDED, That any apparent violation of section 3 of this 1976 amendatory act which involves a member of the legislature shall be reported to the appropriate board of legislative ethics for appropriate action pursuant to chapter 44.60 RCW;

(6) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities; and

(7) Enforce this chapter according to the powers granted it by law."

Renumber the sections following consecutively and correct internal references accordingly.

In line 3 of the title after "42.17.240;" insert "amending section 36, chapter 1, Laws of 1973 and RCW 42.17.360;"

Signed by Representatives King, Chairman; Fortson, Vice Chairwoman; Erickson, Hawkins, Lysen, Sherman.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Conner, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Bagnariol, Hayner, Luders, Lysen, Martinis and Perry. Representatives Bagnariol, Luders and Martinis were excused.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

COMMITTEE APPOINTMENTS

The Speaker (Mr. O'Brien presiding) announced the following committee appointments:

Representative May to Committee on Ways and Means – Appropriations;

Representative Lux to Committee on Social and Health Services.

SECOND READING

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the motion made the previous day by Representative Newhouse to relieve the Rules Committee of Engrossed Senate Concurrent Resolution No. 125 and place it on the calendar for third reading.

With the consent of the House, Mr. Newhouse withdrew the motion.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 125 as amended by the House, by Senators Bailey, Walgren, Lewis (Harry) and Matson:

Establishing cut-off dates.

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

Representatives Thompson and Newhouse spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 125 as amended by the House, and the resolution passed the House by the following vote: Yeas, 87; nays, 0; not voting, 10.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kilbury, King, Knowles, Kuehle, Laughlin, Lee, Lux, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Chandler, Hayner, Kalich, Leckenby, Luders, Lysen, Martinis, Perry, Seeberger, Smith R.

Engrossed Senate Concurrent Resolution No. 125 as amended by the House, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Mr. Newhouse, Engrossed Senate Concurrent Resolution No. 125 as amended by the House was ordered immediately transmitted to the Senate.

On motion of Mr. Thompson, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1107, by Committee on Commerce (Originally sponsored by Representatives Ceccarelli, Blair, Hanna, Sommers and Bagnariol):

Authorizing the sale of beer at stadiums.

(For previous action, see yesterday's Journal.)

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendment to page 6 by Representative Kuehle.

MOTION

On motion of Mr. Warnke, further consideration of Substitute House Bill No. 1107 was deferred, and the bill was ordered placed at the bottom of today's second reading calendar.

HOUSE BILL NO. 1331, by Representatives King, Fortson, Hawkins and Cochrane:

Establishing voter registration by mail.

MOTION

On motion of Mr. Thompson, further action on House Bill No. 1331 was deferred, and the bill was ordered placed on the second reading calendar following House Bill No. 1361.

HOUSE BILL NO. 1344, by Representatives Cochrane, Haussler, Blair, Charnley, Lee, Lux, Bender, Zimmerman, Bauer, Boldt, Chandler, Eng, Kilbury and Paris:

Establishing responsibility for enforcement of the uniform fire code.

The bill was read the second time.

Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Fifteenth Day, 2nd ex. sess., January 19, 1976.)

On motion of Mr. Haussler, the committee amendments were adopted.

House Bill No. 1344 was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1356, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):

Pertaining to education; RCW corrections.

The bill was read the second time.

On motion of Mr. Gaspard, the rules were suspended, the second reading considered the third, and House Bill No. 1356 was placed on final passage.

Representatives Charette and Newhouse spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1356, and the bill passed the House by the following vote: Yeas, 89; nays, 0; not voting, 8.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charney, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Bagnariol, Hayner, Leckenby, Luders, Lysen, Martinis, Perry, Seeberger.

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.

HOUSE BILL NO. 1357, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):

Relating to teachers' retirement; RCW corrections.

The bill was read the second time.

On motion of Mr. Gaspard, the rules were suspended, the second reading considered the third, and House Bill No. 1357 was placed on final passage.

Mr. Charette spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1357 and the bill passed the House by the following vote: Yeas, 87; nays, 0; not voting, 10.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charney, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Bagnariol, Hayner, Leckenby, Luders, Lysen, Martinis, Perry, Polk, Seeberger.

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.

HOUSE BILL NO. 1358, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):

Relating to state government; RCW corrections.

The bill was read the second time.

On motion of Mr. Gaspard, the rules were suspended, the second reading considered the third, and House Bill No. 1358 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1358, and the bill passed the House by the following vote: Yeas, 88; nays, 0; not voting, 9.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charney, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P.,

Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Bagnariol, Hayner, Leckenby, Luders, Lysen, Martinis, Patterson, Perry, Seeberger.

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.

HOUSE BILL NO. 1359, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):

Relating to motor vehicles; RCW corrections.

The bill was read the second time.

On motion of Mr. Gaspard, the rules were suspended, the second reading considered the third, and House Bill No. 1359 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1359, and the bill passed the House by the following vote: Yeas, 89; nays, 0; not voting, 8.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Sherman, Shipnosh, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Bagnariol, Hayner, Luders, Lysen, Martinis, Perry, Randall, Seeberger.

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.

HOUSE BILL NO. 1360, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):

Relating to industrial insurance; RCW corrections.

The bill was read the second time.

On motion of Mr. Gaspard, the rules were suspended, the second reading considered the third, and House Bill No. 1360 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1360, and the bill passed the House by the following vote: Yeas, 88; nays, 0; not voting, 9.

Voting yea: Representatives Adams, Amen, Barnes, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shipnosh, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Bagnariol, Bauer, Hayner, Leckenby, Luders, Lysen, Martinis, Perry, Seeberger.

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.

HOUSE BILL NO. 1361, by Representatives Charette, Knowles and Seeberger (by Code Reviser's request):

Relating to alcoholic beverages; RCW correction.

The bill was read the second time.

On motion of Mr. Gaspard, the rules were suspended, the second reading considered the third, and House Bill No. 1361 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1361, and the bill passed the House by the following vote: Yeas, 88; nays, 0; not voting, 9.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Not voting: Representatives Bagnariol, Hayner, Leckenby, Luders, Lysen, Martinis, McKibbin, Perry, Seeberger.

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.

HOUSE BILL NO. 1331:

The House resumed consideration of the bill on second reading.

Committee on Constitution and Elections recommendation: Majority, do pass as amended. (For amendments, see Journal, Eleventh Day, 2nd ex. sess., January 15, 1976.)

On motion of Mr. King, the committee amendments were adopted.

Mr. King moved adoption of the following amendments by Representatives King and Brown:

On page 2, line 14 after "permit" strike "prepaid"

On page 2, line 16 after "Sec. 3." strike "Postage prepaid registration" and insert "Registration"

On page 3, line 31 after "of" strike "postage prepaid"

On page 5, line 18 after "new" strike "postage prepaid"

Representatives King and Brown spoke in favor of the amendments, and they were adopted.

Mr. King moved adoption of the following amendment:

On page 10, beginning on line 35 strike all of section 28.

Mr. King spoke in favor of the amendment.

Mr. Conner demanded an electric roll call and the demand was sustained.

POINT OF INQUIRY

Mr. King yielded to question by Mr. Newhouse.

Mr. Newhouse: "I really don't care much what you want to do to King and Pierce counties, Mr. King, but this is mandatory for those two counties. Are you convinced, and have the auditors assured you, that if you change the effective date they are prepared to put this monstrosity into effect by that time?"

Mr. King: "I was told by the legislative representative of the county organizations that those counties were prepared to do it and that some of the other counties who wanted to go ahead on the optional basis wanted to do it. The suggestion was made that we do these two things that would make the counties happy. One was take off the prepaid postage and the other allows it to go into effect prior to this next election rather than waiting until after the election. This is being done based on information given to me from their legislative liaison."

Mr. Newhouse: "The second question would be then, which counties have requested the power to do it for this year's election? You say several have."

Mr. King: "I do not know the answer to that question directly. I was told that several were willing to go ahead. I believe the name of Clark county specifically was mentioned, but beyond that I'm not sure right now."

Mr. Brown spoke against the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative King to House Bill No. 1331, and the amendment was adopted by the following vote: Yeas, 52; nays, 37; not voting, 8.

Voting yea: Representatives Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, King, Laughlin, Lux, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Parker, Peterson, Randall, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, and Mr. Speaker.

Voting nay: Representatives Adams, Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gaines, Gilleland, Greengo, Haley, Hansey, Hendricks, Hurley M., Jueling, Kalich, Knowles, Kuehne, Leckenby, Lee, Newhouse, Pardini, Paris, Patterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Bagnariol, Hayner, Luders, Lysen, Martinis, Matthews, Perry, Seiberger.

On motion of Mr. King, the following amendment to the title was adopted:

On page 1, line 15 of the title after "RCW 29.62.150;" strike "declaring an effective date;"

House Bill No. 1331 was ordered engrossed and passed to Committee on Rules for third reading.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "In the Republican caucus this morning we once again went over the budget that was proposed to us by the Governor. At the Rules Committee meeting I noticed something in figures in the Democratic caucus pasted on the wall and I assumed that the Democratic caucus was going over the Governor's budget; however there were some variations in those figures. It is my understanding that at the present time there is prepared by the staff of the Ways and Means Committee a proposed supplemental budget. Mr. Speaker, I am wondering how I might be able to obtain a copy of that proposed supplemental budget prepared by the House Ways and Means Committee so that Mr. Polk, our minority representative on the Ways and Means Committee and Mr. Pullen, who has been assigned to us to work in that area, might have the weekend to examine this document?"

The Speaker (Mr. O'Brien presiding): "As I understand it, Representative Pardini, the material you are talking about is on a rough basis and they haven't arrived at a final draft form yet. As soon as it is prepared, it will be distributed to all members of the committee."

Mr. Pardini: "One of my concerns is that Representative Bagnariol yesterday indicated that it was beyond the point of rough draft, that it would available to us today, but Representative Bagnariol is not here today. In addition to that, even though it is in a rough draft form it might be conducive to the orderly conduct of this business if the minority party had some input into that rough draft."

The Speaker (Mr. O'Brien presiding): "I know that you and I are both interested in open government, and I'm sure that as soon as the work is completed by the committee that copies will be available. There is nothing to hide anyway."

Mr. Pardini: "Then I'm wondering Mr. Speaker, could we possibly have a copy of the rough draft?"

The Speaker (Mr. O'Brien presiding): "I understand that it isn't ready. You know the mechanics. People putting things together take a little while to come to certain conclusions. This is apparently in the developmental stage."

Mr. Pardini: "We believe we have some capabilities to even take part of it."

The Speaker (Mr. O'Brien presiding): "There is nothing to stop you from developing your own rough draft. As soon as it is completed and ready for distribution I am assured by the committee chairman that they will hand you a copy."

Mr. Pardini: "When will that be?"

The Speaker (Mr. O'Brien presiding): "The timetable is not definitely set. They need time to develop a good program so when it does come out you will be able to support it."

HOUSE BILL NO. 1124, by Representative Kilbury:

Providing for gardens on public lands.

The bill was read the second time.

On motion of Mr. Kilbury, Substitute House Bill No. 1124 was substituted for House Bill No. 1124, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1124 was read the second time.

MOTION

Mr. Hansey moved that Substitute House Bill No. 1124 be rereferred to Committee on Ways and Means - Appropriations.

Mr. Hansey spoke in favor of the motion, and Mr. Kilbury spoke against it.

The motion was lost.

Mr. Amen moved adoption of the following amendments:

On page 2, line 1 after "agencies" strike the comma and insert "and"

On page 2, line 2 after "governments" strike ", and individuals"

On page 2, line 6 after "governments" strike "or individuals"

On page 2, line 19 after "government" strike "or individuals"

Mr. Amen spoke in favor of the amendments, and Mr. Kilbury spoke against them.

MOTION

On motion of Mr. Thompson, further action on Substitute House Bill No. 1124 was deferred, and the bill was ordered placed on the second reading calendar following House Bill No. 1258.

HOUSE BILL NO. 1175, by Representative Kilbury:

Relating to honey bees.

The bill was read the second time.

On motion of Mr. Kilbury, Substitute House Bill No. 1175 was substituted for House Bill No. 1175, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1175 was read the second time.

Ms. Becker moved adoption of the following amendment:

On page 3, line 27 strike the entire paragraph down through "chapter." on line 29 and insert:

"All moneys collected under the authority of this chapter shall be deposited in the general fund in the state treasury to the credit of the apary account, which account is hereby established. Funds in the apary account shall be expended for purposes of administering this chapter subject to legislative appropriation by law."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Becker to Substitute House Bill No. 1175, and the amendment was adopted by the following vote: Yeas, 62; nays, 28; not voting, 7.

Voting yea: Representatives Adams, Bauer, Becker, Bender, Berentson, Blair, Boldt, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Hansey, Haussler, Hawkins, Hurley G. S., Hurley M., Kilbury, King, Knowles, Laughlin, Lee, Lux, Maxie, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Parker, Peterson, Randall, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Bausch, Bond, Ceccarelli, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hendricks, Jastad, Juelling, Kalich, Kuehnle, Leckenby, Matthews, May, Newhouse, Pardini, Paris, Patterson, Polk, Schumaker, Warnke.

Not voting: Representatives Bagnariol, Hayner, Luders, Lysen, Martinis, Perry, Seeberger.

Substitute House Bill No. 1175 was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1257, by Representative Hendricks:

Removing residency and practice requirements for municipal judges.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1258, by Representatives Kilbury, Haussler and Amen:

Defining horses, mules, and donkeys as "agricultural products."

The bill was read the second time.

Mr. Kuehnle moved adoption of the following amendments:

On page 1, line 19 following "mules," and before "and" insert "elephants,"

On page 1, line 20 following "mules," and before "and" insert "elephants,"

Mr. Kuehnle spoke in favor of the amendments.

The amendments were not adopted.

House Bill No. 1258 was passed to Committee on Rules for third reading.

SUBSTITUTE HOUSE BILL NO. 1124:

The House resumed consideration of the bill on second reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendments by Representative Amen to page 2.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Amen to page 2 of Substitute House Bill No. 1124, and the amendments were adopted by the following vote: Yeas, 52; nays, 38; not voting, 7.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Flanagan, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hendricks, Hurley M., Jastad, Jueling, Kalich, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Matthews, May, McCormick, McKibbin, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Tilly, Warnke, Whiteside, Wilson, Zimmerman, and Mr. Speaker.

Voting nay: Representatives Adams, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Hanna, Hawkins, Hurley G. S., Kilbury, Lux, Maxie, Moon, Moreau, North, O'Brien, Parker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams, Wojahn.

Not voting: Representatives Bagnariol, Hayner, Luders, Lysen, Martinis, Perry, Seeberger.

Mr. Hansey moved adoption of the following amendment by Representatives Hansey and Amen:

On page 3, line 17 following section 9 insert a new section as follows:

"**NEW SECTION.** Sec. 10. There is hereby appropriated from the general fund to the Department of Natural Resources the sum of twenty thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this act."

Mr. Hansey spoke in favor of the amendment, and Mr. Kilbury spoke against it.

The amendment was not adopted.

On motion of Mr. Hansey, the following amendments by Representatives Hansey and Schumaker were adopted:

On page 3, line 3 after "individual," insert "family group,"

On page 3, line 4 after "individual," insert "family group,"

Mr. Amen moved adoption of the following amendment:

On page 2, line 32 after "fee" strike "": **PROVIDED HOWEVER,** That persons desiring to use public lands for such purpose may, by letter to the commissioner, request use of public lands to cultivate horticultural products. Upon receipt of such request the commissioner shall contact the agency controlling or owning the land for its approval. Upon receipt of that approval, he shall provide a lease agreement to be executed for a nominal fee"

Representatives Amen and Kilbury spoke in favor of the amendment, and it was adopted.

Substitute House Bill No. 1124 was ordered engrossed and passed to Committee on Rules for third reading.

SUBSTITUTE HOUSE BILL NO. 1107:

The House resumed consideration of Substitute House Bill No. 1107 on second reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendment to page 6 by Representative Kuehnle.

With the consent of the House, Mr. Kuehnle withdrew the amendment.

Mr. Kuehnle moved adoption of the following amendment:

Beginning on page 5, line 27 and ending on line 2 of page 6 strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. There is added to chapter 66.24 RCW a new section to read as follows:

Pursuant to rules and regulations promulgated by the board, holders of Class H master licenses issued under provisions of RCW 66.24.420(1)(e) and (f) shall dispense and sell liquor in paper cups, soft plastic cups or other similar containers when consumption is to be on the premises, but beyond the immediate area of the licensed place where the said liquor is dispensed and sold: **PROVIDED,** That such liquor may be carried by the purchaser for consumption elsewhere on the premises only: **PROVIDED, FURTHER,** That for the purpose of this section, the licensed premises shall be restricted to the area within the confines of the respective publicly owned civic center or racetrack."

Representatives Kuehnle and Warnke spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Warnke yielded to question by Mr. Newhouse.

Mr. Newhouse: "Could you tell me whether this amendment is in the proper section of the bill and does this limit the control that the Liquor Control Board would have in such a situation?"

Mr. Warnke: "It is in the proper section to my staff's analysis and the board still has proper control of all the rules and regulations regarding this."

Representatives Blair, Ceccarelli and Haley spoke against the amendment.

MOTION

On motion of Mr. Ceccarelli, further consideration of Substitute House Bill No. 1107 was deferred, and the bill was ordered held for Monday's second reading calendar.

HOUSE BILL NO. 1279, by Representatives Smith (Rick) and Hayner:

Providing attorney's fees for the prevailing party in contract and lease disputes.

The bill was read the second time and passed to Committee on Rules for third reading.

MOTIONS

On motion of Mr. Thompson, the House advanced to the eighth order of business.

On motion of Mr. Thompson, House Bill No. 689 was referred from Committee on Judiciary to Committee on Social and Health Services.

On motion of Mr. Charette, the House adjourned until 12:00 noon, Monday, January 26, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore

DEAN R. FOSTER, Chief Clerk.

TWENTY-SECOND DAY

NOON SESSION

House Chamber, Olympia, Wash., Monday, January 26, 1976.

The House was called to order at 12:00 noon by the Speaker Pro Tempore. The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Therese McKee and David Arbaugh. Prayer was offered by the Reverend Paul Beeman of the First United Methodist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

January 26, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE CONCURRENT RESOLUTION NO. 125, and has adopted the resolution as amended by the House.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1568, by Representatives Warnke, Pardini, Hendricks and Curtis:

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.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1569, by Representatives Bausch, Bagnariol, Leckenby and Hendricks:

AN ACT Relating to state government; amending section 6, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.060; amending section 11, chapter 1, Laws of 1961 and RCW 41.06.110; creating new sections; making appropriations; and making an effective date.

To Committee on State Government

HOUSE BILL NO. 1570, by Representatives Fischer, Fortson, Smith (Edward), Eng, Hanna, Parker, North, McKibbin, Maxie, Gaspard, Haussler, Moon and Laughlin:

AN ACT Relating to youth development; and adding new sections to Title 43 RCW.

To Committee on State Government

HOUSE BILL NO. 1571, by Representative Hawkins:

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.

To Committee on Education

HOUSE BILL NO. 1572, by Representative Seeberger:

AN ACT Relating to the planning enabling act; and amending section 36.70.310, chapter 4, Laws of 1963 and RCW 36.70.310.

To Committee on Local Government

HOUSE BILL NO. 1573, by Representatives McKibbin, Matthews and Curtis (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.

To Committee on Labor

HOUSE BILL NO. 1574, by Representatives King, Clemente, Hawkins and Laughlin:

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

To Committee on Labor

HOUSE BILL NO. 1575, by Representatives Bagnariol, Freeman, Blair and Sommers:

AN ACT Relating to teachers' insurance annuity association and the college retirement equities fund plan; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 212, Laws of 1975 1st ex. sess. and RCW 28B.10.400; adding a new section to chapter 28B.10 RCW; and declaring an emergency.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1576, by Representatives Paris, Eikenberry, Wilson, Laughlin, Lee, Hansey, Nelson, Brown, Pardini, Chandler, Curtis, Leckenby, Berentson, Hendricks, Matthews, Blair, Gilleland, Freeman, Bond, Tilly, Polk, Whiteside, Schumaker, Deccio, Patterson, Greengo, Amen, Jueling and Flanagan:

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.

To Committee on State Government

HOUSE BILL NO. 1577, by Representatives Perry, Dunlap, Becker, Bender, Thompson, Brown, Lee, Smith (Rick), Ceccarelli, Cochrane, Hawkins, Seeberger, Blair, Zimmerman, Pardini, Charnley, Sherman, Fortson, Douthwaite and Gaspard:

AN ACT Relating to transportation of oil; creating a new chapter in Title 90 RCW; prescribing penalties; and declaring an emergency.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1578, by Representatives Charnley and Gaines:

AN ACT Relating to off-street parking; amending section 35.86.010, chapter 7, Laws of 1965 as last amended by section 1, chapter 221, Laws of 1975 1st ex. sess. and RCW 35.86.010; amending section 7, chapter 204, Laws of 1969 ex. sess. as amended by section 3, chapter 221, Laws of 1975 1st ex. sess. and RCW 35.86A.070; and declaring an emergency.

To Committee on Local Government

HOUSE BILL NO. 1579, by Representative Ehlers:

AN ACT Relating to individual retirement accounts; and adding a new section to Title 48 RCW.

To Committee on Financial Institutions

HOUSE BILL NO. 1580, by Representatives Nelson, Thompson, Zimmerman, Smith (Rick) and Laughlin:

AN ACT Relating to food fish and shellfish; amending section 75.28.020, chapter 12, Laws of 1955 as amended by section 1, chapter 171, Laws of 1963 and RCW 75.28.020; adding a new section to chapter 12, Laws of 1955 and to chapter 75.08 RCW; adding new sections to chapter 75.28 RCW; adding a new section to chapter 12, Laws of 1955 and to chapter 75.32 RCW; prescribing penalties; and providing an effective date.

To Committee on Natural Resources

HOUSE BILL NO. 1581, by Representatives Thompson, Moon, Charette, Bauer, McKibbin, King and Moreau:

AN ACT Relating to unemployment compensation; and amending section 37, chapter 35, Laws of 1945 and RCW 50.04.360.

To Committee on Labor

HOUSE BILL NO. 1582, by Representatives Leckenby, Hanna, Wilson and Greengo:

AN ACT Relating to the solicitation of funds for charity; repealing chapter 13, Laws of 1973 1st ex. sess.; repealing chapter 66, Laws of 1973 1st ex. sess.; repealing chapter 106, Laws of 1974 ex. sess.; and repealing chapter 19.09 RCW.

To Committee on Commerce

HOUSE BILL NO. 1583, by Representatives Moreau, Becker and Nelson:

AN ACT Relating to the state colleges; amending section 1, chapter 232, Laws of 1975 1st ex. sess. and RCW 28B.40.205; creating new sections; and adding a new section to chapter 28B.80 RCW.

To Committee on Higher Education

HOUSE BILL NO. 1584, by Representatives Bauer, McKibbin and Laughlin:

AN ACT Relating to revenue and taxation; 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.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1585, by Representatives Eng, Tilly, Adams, Fischer, Cochrane, Hanna and Lux:

AN ACT Relating to health care.

To Committee on Social and Health Services

HOUSE BILL NO. 1586, by Representatives Perry, Kalich, Clemente, Gaines, Douthwaite, Chandler, Lee, Dunlap, Sherman, Charnley and Ceccarelli:

AN ACT Relating to marine oil transfer; creating a special commission on marine oil transfer facilities; creating new sections; and declaring an emergency.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1587, by Representatives Knowles, Pardini, Bond, May, Kuehnle and McCormick:

AN ACT Relating to the court of appeals; and amending section 3, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.030.

To Committee on Judiciary

HOUSE BILL NO. 1588, by Representatives Eng, Adams, Fischer, Cochrane, Hanna, Lux, Peterson and Laughlin:

AN ACT Relating to health; and amending section 2, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.010.

To Committee on Social and Health Services

HOUSE BILL NO. 1589, by Representatives Knowles, Pardini, May, Kuehnle, Bond and McCormick:

AN ACT Relating to fees of superior court clerks; and amending section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 30, Laws of 1975 and RCW 36.18.020.

To Committee on Judiciary

HOUSE BILL NO. 1590, by Representatives Knowles, Pardini, Hurley (Margaret), May, Kuehne, Bond and McCormick:

AN ACT Relating to child custody: amending section 20, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.200; and repealing section 27, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.270.

To Committee on Judiciary

HOUSE BILL NO. 1591, by Representatives Knowles, Randall and May:

AN ACT Relating to revenue and taxation; and amending section 82.32.180, chapter 15, Laws of 1961 as last amended by section 148, chapter 81, Laws of 1971 and RCW 82.32.180.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1592, by Representatives Bond, Moreau, Berentson, Greengo, Nelson, Kuehne, Schumaker, Whiteside, Eikenberry, Hansey and Deccio:

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

To Committee on Higher Education

HOUSE BILL NO. 1593, by Representatives Eikenberry and Patterson:

AN ACT Relating to liability of persons withdrawing blood; and adding a new section to chapter 46.61 RCW.

To Committee on Judiciary

HOUSE BILL NO. 1594, by Representatives Hansen, Patterson and Clemente:

AN ACT Relating to highway funds; amending section 1, chapter 18, Laws of 1973 2nd ex. sess. and RCW 47.12.270; and declaring an emergency.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1595, by Representatives Nelson and Moreau (by State Productivity Council request):

AN ACT Relating to institutions of higher education; providing that the system of personnel administration shall include training and career development; amending section 1, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.010; amending section 2, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.020; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 122, Laws of 1975 1st ex. sess. and RCW 28B.16.100; creating new sections; adding new sections to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16 RCW; making an appropriation; and prescribing an effective date.

To Committee on Higher Education

HOUSE BILL NO. 1596, by Representatives Charnley and Brown:

AN ACT Relating to unemployment compensation; amending section 21, chapter 3, Laws of 1971 as last amended by section 1, chapter 67, Laws of 1975 1st ex. sess. and RCW 50.44.040; and declaring an emergency.

To Committee on Labor

HOUSE BILL NO. 1597, by Representatives Cochrane, Maxie, Nelson, Peterson, Bond, Moreau, Patterson and Whiteside:

AN ACT Relating to higher education; and amending section 2, chapter 157, Laws of 1975 1st ex. sess. and RCW 28B.15.540.

To Committee on Higher Education

HOUSE BILL NO. 1598, by Representatives Smith (Rick), Matthews and Gilleland:

AN ACT Relating to food fish and shellfish; adding new sections to chapter 75.28 RCW; providing penalties; and providing an effective date.

To Committee on Natural Resources

HOUSE BILL NO. 1599, by Representatives North, Fischer and Fortson:

AN ACT Relating to priority programming for highway development; and amending section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1600, by Representatives North, Fischer and Laughlin:

AN ACT Relating to port districts; and adding a new section to Title 53 RCW.

To Committee on Local Government

HOUSE BILL NO. 1601, by Representatives Charnley, Ceccarelli, Lux, Blair and Deccio:

AN ACT Relating to auto transportation companies; and amending section 81.68.060, chapter 14, Laws of 1961 and RCW 81.68.060.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1602, by Representatives Adams, Curtis and Hanna:

AN ACT Relating to purchase of supplies and services; 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.

To Committee on Social and Health Services

HOUSE BILL NO. 1603, by Representatives Fortson, Wilson, Berentson, North and Hansey:

AN ACT Relating to superior court judges; 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.

To Committee on Judiciary

HOUSE BILL NO. 1604, by Representative Becker:

AN ACT Relating to education; and amending section 1, chapter 105, Laws of 1973 1st ex. sess. as amended by section 21, chapter 288, Laws of 1975 1st ex. sess. and RCW 28A.01.130.

To Committee on Education

HOUSE BILL NO. 1605, by Representatives Sommers, Blair and Freeman:

AN ACT Relating to the teachers' retirement system; amending section 1, chapter 80, Laws of 1947 as last amended by section 149, chapter 275, Laws of 1975 1st ex. sess. and RCW 41.32.010; amending section 48, chapter 80, Laws of 1947 as last amended by section 2, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.480; amending section 3, chapter 189, Laws of 1973 1st ex. sess. as amended by section 4, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.498; amending section 9, chapter 189, Laws of 1973 1st ex. sess. as amended by section 1, chapter 32, Laws of 1973 2nd ex. sess. and RCW 41.32.499; adding new sections to chapter 41.32 RCW; and declaring an emergency.

To Committee on Ways and Means – Appropriations

HOUSE BILL NO. 1606, by Representatives Charnley and Douthwaite:

AN ACT Relating to priority programming for highway development; and amending section 4, chapter 143, Laws of 1975 1st ex. sess. and RCW 47.05.051.

To Committee on Transportation and Utilities

HOUSE BILL NO. 1607, by Representatives Eng, Adams, Fischer, Cochrane, Hanna and Lux:

AN ACT Relating to health; and creating a new section.

To Committee on Social and Health Services

HOUSE BILL NO. 1608, by Representatives Freeman, Flanagan, Polk, Curtis, Pardini, Chandler, Haley, Whiteside, Gilleland, Barnes, Matthews, Zimmerman, Bond, Newhouse, Deccio, Lee, Greengo, Hendricks and Wilson:

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.

To Committee on Education

HOUSE BILL NO. 1609, by Representatives Freeman, Flanagan, Polk, Curtis, Pardini, Nelson, Chandler, Haley, Whiteside, Gilleland, Barnes, Matthews, Bond, Deccio, Lee, Greengo, Hendricks and Wilson:

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.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1610, by Representatives Freeman, Flanagan, Polk, Curtis, Nelson, Chandler, Whiteside, Haley, Gilleland, Barnes, Pardini, Matthews, Zimmerman, Bond, Newhouse, Deccio, Lee, Greengo, Hendricks and Wilson:

AN ACT Relating to appropriations; adding a new section to chapter 269, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1611, by Representatives Freeman, Flanagan, Polk, Curtis, Pardini, Chandler, Whiteside, Gilleland, Barnes, Bond, Newhouse, Deccio, Lee, Greengo, Hendricks and Wilson:

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.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1612, by Representative Valle:

AN ACT Relating to local government; and adding a new section to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW.

To Committee on Local Government

HOUSE BILL NO. 1613, by Representatives Becker, Moreau and Laughlin:

AN ACT Relating to border towns; amending section 6, chapter 175, Laws of 1957 and RCW 66.08.190; adding a new section to chapter 66.08 RCW; and creating a new section.

To Committee on Local Government

HOUSE BILL NO. 1614, by Representative Valle:

AN ACT Relating to shoreline management.

To Committee on Rules

HOUSE BILL NO. 1615, by Representatives Brown and McKibbin (by Executive request):

AN ACT Relating to school district operations.

To Committee on Rules

HOUSE BILL NO. 1616, by Representative Brown (by Executive request):

AN ACT Relating to the support of the common schools.

To Committee on Rules

HOUSE BILL NO. 1617, by Representative Knowles:

AN ACT Relating to the enforcement of liens on condominiums.

To Committee on Rules

HOUSE BILL NO. 1618, by Representative Laughlin:

AN ACT Relating to special purpose districts.

To Committee on Rules

HOUSE BILL NO. 1619, by Representative Laughlin:

AN ACT Relating to special purpose districts.

To Committee on Rules

HOUSE BILL NO. 1620, by Representative Laughlin:

AN ACT Relating to special purpose districts.

To Committee on Rules

HOUSE BILL NO. 1621, by Representative Laughlin:

AN ACT Relating to local government.

To Committee on Rules

HOUSE BILL NO. 1622, by Representative Laughlin:

AN ACT Relating to special purpose districts.

To Committee on Rules

HOUSE BILL NO. 1623, by Representative Gallagher:

AN ACT Relating to salaries of members of county legislative authorities.

To Committee on Rules

HOUSE BILL NO. 1624, by Representatives Bagnariol and Shinpoch:

AN ACT Relating to the support of government; and making appropriations.

To Committee on Rules

HOUSE BILL NO. 1625, by Representatives Bagnariol and Shinpoch:

AN ACT Relating to the support of government; and making appropriations.

To Committee on Rules

HOUSE BILL NO. 1626, by Representatives Bagnariol and Shinpoch:

AN ACT Relating to the support of government; and making appropriations.

To Committee on Rules

HOUSE BILL NO. 1627, by Representative Randall:

AN ACT Relating to revenue and taxation.

To Committee on Rules

HOUSE BILL NO. 1628, by Representative Randall:

AN ACT Relating to revenue and taxation.

To Committee on Rules

HOUSE BILL NO. 1629, by Representative Randall:

AN ACT Relating to revenue and taxation.

To Committee on Rules

HOUSE BILL NO. 1630, by Representative Randall:

AN ACT Relating to revenue and taxation.

To Committee on Rules

HOUSE BILL NO. 1631, by Representatives Bagnariol and Shinpoch:

AN ACT Relating to the support of government; and making appropriations.

To Committee on Rules

HOUSE BILL NO. 1632, by Representative Randall:

AN ACT Relating to revenue and taxation.

To Committee on Rules

HOUSE BILL NO. 1633, by Representative Becker:

AN ACT Relating to border towns; 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; 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; and creating a new section.

To Committee on Local Government

HOUSE BILL NO. 1634, by Representatives Thompson and Becker:

AN ACT Relating to handguns; and amending section 9, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.255.

To Committee on Judiciary

HOUSE BILL NO. 1635, by Representative Becker:

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.

To Committee on Social and Health Services

HOUSE BILL NO. 1636, by Representative Sommers (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.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1637, by Representative Fischer:

AN ACT Relating to medical records; and adding new sections to Title 70 RCW.

To Committee on Social and Health Services

HOUSE BILL NO. 1638, by Representative Parker:

AN ACT Relating to the criminally insane; amending section 22, chapter 117, Laws of 1973 1st ex. sess. as amended by section 17, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.220; and declaring an emergency.

To Committee on Social and Health Services

HOUSE BILL NO. 1639, by Representatives Ehlers and Gaspard:

AN ACT Relating to public assistance; and amending section 4, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.560.

To Committee on Labor

HOUSE BILL NO. 1640, by Representative North:

AN ACT Relating to landlords and tenants; and adding a new section to chapter 59.18 RCW.

To Committee on Judiciary

HOUSE JOINT MEMORIAL NO. 28, by Representatives Bond, Hurley (Margaret), Eikenberry, Martinis, McCormick and Kuehnle:

Guaranteeing certain school attendance rights.

To Committee on Education

HOUSE JOINT RESOLUTION NO. 88, by Representative Pardini:

Authorizing state income tax with limitations and limitations upon other taxes.

To Committee on Ways and Means – Revenue

HOUSE JOINT RESOLUTION NO. 89, by Representatives Knowles, Pardini, May, Kuehnle, Bond and McCormick:

Amending constitutional provisions regarding jury trials.

To Committee on Judiciary

HOUSE JOINT RESOLUTION NO. 90, by Representatives Moon, Hawkins, Erickson, Sommers and Thompson:

Authorizing a state income tax.

To Committee on Ways and Means – Revenue

HOUSE JOINT RESOLUTION NO. 91, by Representative Bauer:

Amending the Constitution relating to education.

To Committee on Rules

HOUSE CONCURRENT RESOLUTION NO. 47, by Representatives Randall and Sommers:

Directing that the department of revenue, other agencies, and legislative staff personnel undertake a study of the state and local energy tax system.

To Committee on Ways and Means – Revenue

HOUSE CONCURRENT RESOLUTION NO. 48, by Representative Becker:

Directing the House and Senate local government committees to conduct a study of certain problems and responsibilities of border towns.

To Committee on Local Government

MOTION

Mr. Thompson moved that the bills, memorials and resolutions listed on today's agenda under the fourth order of business be referred to the committees designated with the exception of House Bill No. 1612, to be referred to Committee on Ecology.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Berentson.

Mr. Berentson: "In the past we have been given a copy of the bills to be introduced so that we could cooperate with you on the assignment of bills to committees. The last couple of days we have not received that list and we would like to know who we should be talking to over there regarding either agreement or disagreement on the assigning of bills to committees?"

Mr. Thompson: "We regret the oversight. If you will see me after the session this morning we can resolve any questions you have and determine who you might talk to on these matters."

Mr. Berentson: "You are saying that you still have that responsibility?"

Mr. Thompson: "Yes."

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Curtis.

Mr. Curtis: "What is the reason for House Bill No. 1612 going to Ecology? Other than the fact that the prime sponsor is a member of the Ecology Committee, is there any reason a bill authorizing local governments to adopt certain rules by reference be referred from Local Government?"

Mr. Thompson: "This is a very simple measure intended to save local governments considerable expense of printing a 60-page ordinance in adoption of these federal regulations. It would add to the list of exceptions a list of those matters which local governments may adopt

by reference instead of publishing the entire ordinance. It adds to that list these federal regulations, thereby saving them considerable funds because it does happen to be an environmental matter."

The motion was carried.

REPORTS OF STANDING COMMITTEES

January 23, 1976

SUBSTITUTE HOUSE BILL NO. 993, Prime Sponsor: Representative Conner, regulating dangerous wastes. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means - Appropriations.

January 22, 1976

HOUSE BILL NO. 1439, Prime Sponsor: Representative Moreau, 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. Signed by Representatives Maxie, Chairwoman; Moreau, Vice Chairman; Bond, Nelson, Patterson, Peterson.

To Committee on Rules for second reading.

January 22, 1976

HOUSE BILL NO. 1445, Prime Sponsor: Representative Charnley, 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 Representatives Maxie, Chairwoman; Moreau, Vice Chairman; Bond, Nelson, Patterson, Peterson.

To Committee on Rules for second reading.

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.

MOTION

On motion of Mr. Randall, further consideration of Substitute House Bill No. 90 was deferred and the bill was ordered placed on the second reading calendar following House Bill No. 1311.

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.

MOTION

On motion of Mr. Kuehnle, further consideration of Substitute House Bill No. 1107 was deferred, and the bill was ordered placed on the calendar following Substitute House Bill No. 90.

HOUSE BILL NO. 1340, by Representative Smith (Rick):

Making lesser traffic law violations noncriminal offenses.

The bill was read the second time.

Mr. Newhouse moved adoption of the following amendment by Representatives Newhouse and Eikenberry:

On page 1, strike all of line 30

Mr. Newhouse spoke in favor of the amendment, and Mr. Smith (Rick) spoke against it.

POINT OF PARLIAMENTARY INQUIRY

Mr. Eikenberry: "I would like to know whether it is proper for me to vote on this amendment and ultimately on this bill under the provisions of Rule 67? I would state, for the consideration of the Speaker, the fact that I am a staff employee of the King County Council and in that capacity I gave my opinion to the person who was drafting one of the first versions of this bill—that it was better to go the route expressed in the bill than it was to go another route, that is the administrative law procedure. It also happens that the King County Council has officially endorsed the bill before the floor right now. I raise the question in part because we also see a provision in the new criminal code going into effect July 1, 1976—I particularly invite the Speaker's attention to 9A.68.030 which in effect provides that a person who receives compensation when he is a public servant in return for giving advice and preparing a bill, knowing that he may later have official discretion over that bill, is committing a class D felony. It is because of this factual background and because of the attention being devoted to this kind of problem right now that I ask the Chair to rule on this."

The Speaker Pro Tem: "The Speaker will withhold ruling on your point of parliamentary inquiry until we get a copy of the criminal code that is going into effect July 1st and find out what might be involved here. I will not rule at this time either one way or the other."

(For Speaker Pro Tempore's ruling, see Journal, 25th Day 2nd ex. sess., Thursday, January 29, 1976.)

MOTION

On motion of Mr. Charette, further consideration of House Bill No. 1340 was deferred, and the bill was ordered held for tomorrow's second reading calendar.

HOUSE BILL NO. 1341, by Representative Smith (Rick):

Revising probate laws.

The bill was read the second time.

MOTION

On motion of Mr. Charette, further consideration of House Bill No. 1341 was deferred, and the bill was ordered held for tomorrow's second reading calendar.

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 and passed to Committee on Rules for third reading.

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.

The bill was read the second time.

Committee on Transportation and Utilities recommendation: Majority, do pass as amended. (For amendment, see Journal, Sixteenth Day, 2nd ex. sess., January 20, 1976.)

On motion of Mr. Hansen, the committee amendment was adopted.

House Bill No. 1394 was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business.

THIRD 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 third time and placed on final passage.

Representatives Gallagher and Berentson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 425, and the bill passed the House by the following vote: Yeas, 95; nays, 0; not voting, 1.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representative Sawyer.

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.

ENGROSSED HOUSE BILL NO. 490, by Representatives Gaines and Randall:

Amending law on liability of landowners where recreational.

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

Mr. Gaines spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 490, and the bill passed the House by the following vote: Yeas, 93; nays, 0; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Becker, Gaspard, Sawyer.

Engrossed House Bill No. 490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Charette, House Bill No. 491 was rereferred to Committee on Rules.

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.

Mr. Zimmerman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 721, and the bill passed the House by the following vote: Yeas, 93; nays, 2; not voting, 1.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Gallagher, Kuehnle.

Not voting: Representative Sawyer.

Second Substitute House Bill No. 721, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 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 third time and placed on final passage.

Mr. Warnke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 769, and the bill passed the House by the following vote: Yeas, 91; nays, 2; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Clemente, Moon.

Not voting: Representatives Hayner, Kuehnle, Paris.

Substitute House Bill No. 769, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 840, by Representative Randall:

Relating to revenue and taxation.

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

Mr. Randall spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 840, and the bill passed the House by the following vote: Yeas, 91; nays, 2; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charnley, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Charette, Pardini.

Not voting: Representatives Clemente, Fischer, Knowles.

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.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175, by Committee on Agriculture (Originally sponsored by Representative Kilbury):

Relating to honey bees.

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

Representatives Becker and Pardini spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1175, and the bill passed the House by the following vote: Yeas, 88; nays, 7; not voting, 1.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson.

Voting nay: Representatives Bond, Dunlap, Kuehnle, Matthews, Schumaker, Wojahn, Zimmerman.
Not voting: Representative Conner.

Engrossed Substitute House Bill No. 1175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 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 third time and placed on final passage.

Representatives Parker, Eikenberry, Adams and Haley spoke in favor of the bill, and Representatives Blair and Kuehnle spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1244, and the bill passed the House by the following vote: Yeas, 81; nays, 15; not voting, 0.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Parker, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Blair, Chandler, Dunlap, Eng, Freeman, Hayner, Hurley M., Kuehnle, Lee, Matthews, Nelson, Paris, Patterson, Shipoch, Wojahn.

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.

HOUSE BILL NO. 1257, by Representative Hendricks:

Removing residency and practice requirements for municipal judges.

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

Mr. Hendricks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1257, and the bill passed the House by the following vote: Yeas, 93; nays, 3; not voting, 0.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Conner, Lysen, Matthews.

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.

HOUSE BILL NO. 1279, by Representatives Smith (Rick) and Hayner:

Providing attorney's fees for the prevailing party in contract and lease disputes.

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

Mr. Smith (Rick) spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Smith (Rick) yielded to question by Mr. Newhouse.

Mr. Newhouse: "In your discussion you inferred with your example of the landlord-tenant relationship and the way that it is worded, 'contract or lease,' that you might get that inference in a lease situation involving real properties. As a matter of fact this would apply to all contracts, would it not?"

Mr. Smith (Rick): "Yes, it would apply to all contracts of lease whether personal or real property."

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1279, and the bill passed the House by the following vote: Yeas, 95; nays, 0; not voting, 1.

Voting yea: Representatives Adams, Amen., Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representative Berentson.

House Bill No. 1279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 1331, by Representatives King, Fortson, Hawkins and Cochrane:

Establishing voter registration by mail.

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

Representatives King, Parker and Fortson spoke in favor of passage of the bill, and Representatives Brown, Tilly, Chandler, Polk, Deccio and Barnes spoke against it.

Mr. King closed debate, speaking again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1331, and the bill passed the House by the following vote: Yeas, 54; nays, 41; not voting, 1.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Haley, Hanna, Hansen, Hawkins, Hurley G. S., Hurley M., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Sawyer, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gallagher, Gilleland, Greengo, Hansey, Haussler, Hayner, Hendricks, Jastad, Juelling, Kalich, Kuehnle, Leckenby, Lee, Matthews, May, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Sommers, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representative Amen.

Engrossed House Bill No. 1331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 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 bill was read the third time and placed on final passage.

Ms. Cochrane spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Cochrane yielded to question by Mrs. Hayner.

Mrs. Hayner: "I understand that this might create quite a burden to the fire districts. What does it do to county government as far as the burden we are placing on them with the additional employment of inspectors and that sort of thing?"

Ms. Cochrane: "It does place a burden on the counties and we have an amendment we are going to put on in the Senate that will allow the counties to establish fees as the cities and towns have done with the building code. We hope this will solve the problem. The county fire districts are bound and they have no way of raising any additional money, but counties do and so I think we can work this out if there is a burden."

Mr. Kuehnle spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Cochrane yielded to question by Mr. Pardini.

Mr. Pardini: "My vote on this will be predicated on your answer. What is the nature of the amendment that you propose to add in the Senate?"

Ms. Cochrane: "We are going to suggest that the counties may, if they wish, establish a fee if they are burdened and don't have the money otherwise."

Mr. Pardini: "You are placing a fiscal impact on the bill on counties and then you may suggest that they might get a fee?"

Ms. Cochrane: "We did not anticipate a fiscal impact, but the counties seem to feel that there may be one, so in talking with them we have suggested this amendment."

Mr. Gallagher spoke against passage of the bill.

MOTION

Mr. Curtis moved that further consideration of Engrossed House Bill No. 1344 be deferred until tomorrow.

Mr. Curtis spoke in favor of the motion, and Representatives Haussler and Cochrane spoke against it.

The motion was lost.

The Speaker Pro Tempore stated the question before the House to be the final passage of Engrossed House Bill No. 1344.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1344, and the bill passed the House by the following vote: Yeas, 77; nays, 14; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Gaines, Gaspard, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Jastad, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, O'Brien, Paris, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bond, Curtis, Eikenberry, Fortson, Freeman, Gallagher, Greengo, Hayner, Hurley M., Martinis, McCormick, North, Pardini, Parker.

Not voting: Representatives Gilleland, Juelling, Kalich, Sawyer, Valle.

Engrossed House Bill No. 1344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Thompson, the House reverted to the sixth order of business.

SECOND READING

On motion of Mr. Thompson, House Bill No. 1343 was rereferred to Committee on Ways and Means – Appropriations.

On motion of Mr. Thompson, Substitute House Bill No. 1345 was substituted for House Bill No. 1345, and the substitute bill was referred to Committee on Ways and Means – Appropriations.

On motion of Mr. Thompson, the House advanced to the eighth order of business.

On motion of Mr. Thompson, House Bill No. 1411 was rereferred from Committee on State Government to Committee on Social and Health Services.

On motion of Mr. Thompson, House Bill No. 1502 was rereferred from Committee on Ways and Means – Revenue to Committee on Ways and Means – Appropriations.

NOTICE OF AMENDMENT TO HOUSE RULES

Mr. Parker served notice that he would, on the next working day, offer an amendment to the House Rules.

MOTION

On motion of Mr. Thompson, the House recessed until 4:00 p.m.

AFTERNOON SESSION

The House was called to order at 4:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present.

MOTION

On motion of Mr. Thompson, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 1641, by Representative Fischer:

AN ACT Relating to water districts; and amending section 8, chapter 114, Laws of 1929 as amended by section 1, chapter 108, Laws of 1959 and RCW 57.08.010.

To Committee on Local Government

HOUSE BILL NO. 1642, by Representatives Hanna and Douthwaite:

AN ACT Relating to public officers; amending section 19, chapter 1, Laws of 1973 as amended by section 12, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.190; and adding a new section to chapter 42.23 RCW.

To Committee on Constitution and Elections

HOUSE BILL NO. 1643, by Representative Hanna:

AN ACT Relating to alcoholics; and amending section 12, chapter 122, Laws of 1972 ex. sess. as amended by section 1, chapter 175, Laws of 1974 ex. sess. and RCW 70.96A.120.

To Committee on Social and Health Services

HOUSE BILL NO. 1644, by Representatives Hanna and Douthwaite:

AN ACT Relating to local government; amending section 35.82.020, chapter 7, Laws of 1965 and RCW 35.82.020; and adding a new section to chapter 35.82 RCW.

To Committee on Local Government

HOUSE BILL NO. 1645, by Representatives Sommers and Randall:

AN ACT Relating to revenue and taxation; amending section 36.21.080, chapter 4, Laws of 1963 as last amended by section 1, chapter 120, Laws of 1975 1st ex. sess. and RCW 36.21.080; amending section 84.40.040, chapter 15, Laws of 1961 as last amended by section 97, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.40.040; amending section 84.40.060, chapter 15, Laws of 1961 as amended by section 37, chapter 149, Laws of 1967 ex. sess. and RCW 84.40.060; amending section 84.52.090, chapter 15, Laws of 1961 and RCW 84.52.090; adding a new section to chapter 36.21 RCW; and declaring an

emergency.

To Committee on Ways and Means – Revenue

HOUSE BILL NO. 1646, by Representative Hanna:

AN ACT Relating to crime and punishment; amending section 387, chapter 249, Laws of 1909 and RCW 9.24.020; amending section 1, chapter 111, Laws of 1893 as amended by section 388, chapter 249, Laws of 1909 and RCW 9.24.030; amending section 390, chapter 249, Laws of 1909 and RCW 9.24-.050; amending section 9A.60.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.020; amending section 9A.60.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.60.030; amending section 9A.68.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.68.010; amending section 9A.68.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.68.020; amending section 9A.68.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.68.030; amending section 9A.68.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.68.040; amending section 9A.68.050, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.68.050; amending section 40, chapter 282, Laws of 1959 as amended by section 5, chapter 17, Laws of 1965 and RCW 21.20.400; amending section 30.04.160, chapter 33, Laws of 1955 and RCW 30.04.160; amending section 30.12.090, chapter 33, Laws of 1955 and RCW 30.12.090; amending section 30.12.100, chapter 33, Laws of 1955 and RCW 30.12.100; amending section 30.12.110, chapter 33, Laws of 1955 and RCW 30.12.110; amending section 30.12.120, chapter 33, Laws of 1955 and RCW 30.12.120; amending section 29, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.290; amending section 30.44.110, chapter 33, Laws of 1955 and RCW 30.44.110; amending section 30.44.120, chapter 33, Laws of 1955 and RCW 30.44.120; amending section 19, chapter 172, Laws of 1923 and RCW 31.04.220; amending section 28, chapter 173, Laws of 1933 as amended by section 21, chapter 131, Laws of 1943 and RCW 31.12.340; amending section 32.04.100, chapter 13, Laws of 1955 and RCW 32.04.100; amending section 32.04.110, chapter 13, Laws of 1955 and RCW 32.04.110; amending section 32.24.080, chapter 13, Laws of 1955 and RCW 32.24.080; amending section 89, chapter 235, Laws of 1945 and RCW 33.36.030; amending section 90, chapter 235, Laws of 1945 and RCW 33.36.040; amending section 91, chapter 235, Laws of 1945 and RCW 33.36.060; amending section 96, chapter 249, Laws of 1909 and RCW 40.16.020; amending section 97, chapter 249, Laws of 1909 and RCW 40.16.030; amending section 317, chapter 249, Laws of 1909 and RCW 42.20.070; amending section 319, chapter 249, Laws of 1909 and RCW 42.20.090; amending section 43.08.140, chapter 8, Laws of 1965 and RCW 43.08.140; and prescribing penalties.

To Committee on Judiciary

HOUSE BILL NO. 1647, by Representatives Douthwaite and Peterson:

AN ACT Relating to an appropriation for a study relating to alternatives to University of Washington land acquisitions.

To Committee on Rules

HOUSE BILL NO. 1648, by Representative Laughlin:

AN ACT Relating to financial institutions and regulating home mortgage reserve accounts.

To Committee on Rules

HOUSE BILL NO. 1649, by Representatives Brown and McKibbin (by Executive request):

AN ACT Relating to the support of government; and making appropriations.

To Committee on Rules

HOUSE BILL NO. 1650, by Representative Bauer:

AN ACT Relating to education.

To Committee on Rules

HOUSE BILL NO. 1651, by Representative Bauer:

AN ACT Relating to education.

To Committee on Rules

HOUSE BILL NO. 1652, by Representative Bauer:

AN ACT Relating to education.

To Committee on Rules

HOUSE BILL NO. 1653, by Representatives Pardini and Hurley (Margaret):

AN ACT Relating to recreation districts; and amending section 36.69.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.010.

To Committee on Parks and Recreation

HOUSE BILL NO. 1654, by Representatives Pardini, Warnke and Curtis:

AN ACT Relating to commerce and economic development; and adding new sections to chapter 43.31 RCW.

To Committee on Commerce

HOUSE BILL NO. 1655, by Representative Flanagan:

AN ACT Relating to revenue and taxation; and the financing of public recreation, sports, culture and convention facilities; adding a new section to chapter 236, Laws of 1967 and to chapter 67.28 RCW; and declaring an emergency.

To Committee on Rules

HOUSE BILL NO. 1656, by Representative Flanagan:

AN ACT Relating to revenue and taxation; adding a new section to chapter 15, Laws of 1961 and to chapter 82.44 RCW; and adding a new section to chapter 82.14 RCW.

To Committee on Rules

HOUSE BILL NO. 1657, by Representative Haley:

AN ACT Relating to state institutions.

To Committee on Rules

HOUSE BILL NO. 1658, by Representatives Bond, Chandler, Dunlap and Barnes:

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.

To Committee on Judiciary

HOUSE BILL NO. 1659, by Representatives Becker, Eng, Hanna and Erickson:

AN ACT Relating to medical care; adding a new section to chapter 70.54 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and declaring an emergency.

To Committee on Social and Health Services

HOUSE BILL NO. 1660, by Representative Pardini (by Executive request):

AN ACT Relating to the support of the common schools; 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; adding a new chapter to Title 84 RCW; creating new sections; and declaring an emergency.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1661, by Representatives Adams, Bagnariol, McCormick, Wojahn, Fortson, Haley, Hendricks and Bauer:

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.

To Committee on Social and Health Services

HOUSE BILL NO. 1662, by Representative Pardini (by Executive request):

AN ACT Relating to appropriations; amending section 149, chapter 269, Laws of 1975 1st ex. sess. (uncodified); creating new sections; and declaring an emergency.

To Committee on Ways and Means - Appropriations

HOUSE BILL NO. 1663, by Representative Hayner:

AN ACT Relating to materialmen's liens; amending section 1, chapter 45, Laws of 1909 as last amended by section 1, chapter 84, Laws of 1969 ex. sess. and RCW 60.04.020; and prescribing an effective date.

To Committee on Commerce

HOUSE BILL NO. 1664, by Representatives Zimmerman and Brown:

AN ACT Relating to public utilities taxes; adding a new section to chapter 15, Laws of 1961 and to chapter 82.16 RCW; declaring an emergency; and prescribing an effective date.

To Committee on Ways and Means - Revenue

HOUSE BILL NO. 1665, by Representatives Zimmerman, Brown, Bauer, Blair, McKibbin and Laughlin:

AN ACT Relating to revenue and taxation; exempting food from sales and use taxes; providing for the levy and collection of a one percent property tax upon gross income 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; changing business and occupation 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; and declaring an emergency.

To Committee on Ways and Means – Revenue

HOUSE JOINT MEMORIAL NO. 29, by Representatives Cochrane, Kilbury, Lysen and Boldt:

Memorializing Congress and the Energy Research and Development Administration to approve a solar supplemental energy system demonstration in Richland.

To Committee on Transportation and Utilities

HOUSE JOINT MEMORIAL NO. 30, by Representatives Perry, Gaines, Kalich, Hansen, Fischer, Douthwaite, McCormick, Charnley, Kilbury and Laughlin:

Memorializing Congress to continue Amtrak.

To Committee on Transportation and Utilities

HOUSE JOINT RESOLUTION NO. 92, by Representatives Bond, Hurley (Margaret), Schumaker, Polk and Kuehne:

Joint Resolution directing impeachment of Judge Solie M. Ringold.

To Committee on Judiciary

HOUSE CONCURRENT RESOLUTION NO. 49, by Representatives Kilbury, Sherman and Becker:

Declaring the policy of conserving and protecting agricultural lands for the production of food and other agricultural products.

To Committee on Agriculture

MOTION

On motion of Mr. Thompson, all bills listed on today's supplemental introductions were ordered passed to the committees designated.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Tuesday, January 27, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

TWENTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, January 27, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Susan Zocolla and Michael Corliss. Prayer was offered by Bishop Wilbur W. Y. Choy of the United Methodist Church of Seattle.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

January 26, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 2036,
ENGROSSED SENATE BILL NO. 3009,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST 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.

To Committee on State Government

ENGROSSED 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.

To Committee on Education

REPORTS OF STANDING COMMITTEES

January 23, 1976

HOUSE BILL NO. 386, Prime Sponsor: Representative Hanna, prescribing a modification for minimum terms for furlough. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Becker, Cochrane, Deccio, Eng, Fischer, Haley, Hanna, Jastad, Lux.

MINORITY recommendation: Do not pass. Signed by Representative Tilly.

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1266, Prime Sponsor: Representative Jastad, increasing the number of Lewis county superior court judges to two. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 14 insert a new section to read as follows:

"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."

On page 1, line 1 of the title after "courts;" strike "and" and on line 3 after "2.08.062" insert "; and declaring an emergency"

Signed by Representatives Knowles, Chairman; Eikenberry, Gaspard, Hanna, Patterson, Sherman.

To Committee on Rules for second reading.

January 16, 1976

HOUSE BILL NO. 1303, Prime Sponsor: Representative Parker, requiring transportation equipment to provide for reasonable access and use by handicapped persons. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Bauer, Cochran, Fischer, Fortson, Hanna, Hendricks, Jastad, Lux.

MINORITY recommendation: Do not pass. Signed by Representatives Greengo, Haley.

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1367, Prime Sponsor: Representative Parker, creating revolving funds for the division of banking and savings and loan associations. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means - Appropriations.

January 26, 1976

HOUSE BILL NO. 1375, Prime Sponsor: Representative Sommers, increasing salaries of elected officials of the executive branch. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means - Appropriations.

January 26, 1976

HOUSE BILL NO. 1460, Prime Sponsor: Representative Kilbury, providing for separate licensing of wholesale and retail seed dealers and changing expiration dates of certain licenses that are issued by the department of agriculture. Reported by Committee on Agriculture.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 24 strike "retail seed dealers" and insert "any person other than the ultimate user"

On page 2, line 17 strike "a retail seed dealer" and insert "any person other than the ultimate user"

Signed by Representatives Kilbury, Chairman; Boldt, Vice Chairman; Amen, Becker, Deccio, Flanagan, Hansen, Hansey, Tilly.

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1497, Prime Sponsor: Representative Ceccarelli, revising laws relating to insolvent insurers. Reported by Committee on Financial Institutions.

MAJORITY recommendation: Do pass. Signed by Representatives Ceccarelli, Chairman; Fischer, Vice Chairman; Bagnariol, Blair, Leckenby, McCormick, Lux.

To Committee on Rules for second reading.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Warnke, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tem. The Clerk called the roll and all members were present except Representative Martinis, who was excused.

STANDING COMMITTEE APPOINTMENTS

The Speaker Pro Tem announced the following committee appointments:

Agriculture: Vice Chairman Boldt replacing Vice Chairwoman Becker.

Ecology: Vice Chairwoman Becker replacing Vice Chairwoman Valle.

Labor: Chairman King replacing Chairman Savage.

Rules: Representative Williams replacing Representative Luders.

Ways and Means - Appropriations: Representative Bauer replacing Representative Luders.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Wednesday, January 28, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

TWENTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, January 28, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Gilleland, Haley, Lee and Matthews. Representatives Ceccarelli and Gilleland were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Priscilla Davis and Bredt Martin. Prayer was offered by Chaplain (LTC) Reinard W. Beaver of Fort Lewis.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mrs. Fortson, the House advanced to the eighth order of business.

Mrs. Wojahn demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Ceccarelli, Gilleland, Haley, Lee and Matthews.

On motion of Mr. Charette, the absent members were excused and the House proceeded with business under the Call of the House.

AMENDMENT TO HOUSE RULES

Mr. Parker moved adoption of the following amendment to the House Rules by Representatives Parker, Gaspard, Hurley (Margaret), Fortson, North and Hurley (George):

After House Rule 87 insert the following:

"Caucuses to be Open to the Public

NEW RULE. Rule 88. All meetings of the majority caucus and of the minority caucus shall be open to the public: PROVIDED, That either caucus may, by a two-thirds vote of its membership, direct that any specific meeting of such caucus be closed to all persons other than its members."

Representatives Parker, Hurley (Margaret) and Hurley (George) spoke in favor of the amendment, and Representatives Moon, Douthwaite, May, Amen, Curtis and Eng spoke against it.

Mr. Pardini demanded the previous question, and the demand was not sustained.

Representatives Haley and Lee appeared at the bar of the House.

Mrs. North demanded an oral roll call and the demand was sustained.

Representatives King and Laughlin spoke in opposition to the amendment, and Mr. Polk spoke in favor of it.

POINT OF ORDER

Mr. Ehlers: "Representative Polk is not speaking to the amendment."

The Speaker Pro Tem: "I would ask the members to keep personalities out of their debate."

Mr. Polk continued his remarks in favor of the amendment, and Representatives Haussler and Williams spoke against it.

POINT OF INQUIRY

Mr. King yielded to question by Mr. Ehlers.

Mr. Ehlers: "It is my understanding, Representative King, that the rules already provide an opportunity for a majority of the caucus to open it up; is that true?"

Mr. King: "Yes, either caucus could at any time open the caucus to the general public on any question by a simple vote of the majority of the members of that caucus. They can continue to do this and if this rule change fails maybe the caucuses will want to be open, but I think they tend to become a press conference more than a discussion, a serious discussion, of the issues before us. I would urge you to vote no on the rule change and if you want open caucuses, have the majority of the members vote to open the caucus."

Representatives Kalich and Conner spoke in favor of the amendment, and Representatives Randall and Lee spoke against it.

Mr. Haley demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Parker and others to the House Rules, and the amendment was not adopted by the following vote: Yeas, 49; nays, 44; not voting, 3.

Voting yea: Representatives Adams, Bagnariol, Bausch, Berentson, Blair, Bond, Brown, Conner, Curtis, Deccio, Eikenberry, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley G.S., Hurley M., Jastad, Juelling, Kalich, Knowles, Kuehnle, Martinis, Maxie, McCormick, Nelson, Newhouse, North, O'Brien, Pardini, Parker, Patterson, Perry, Peterson, Polk, Sawyer, Schumaker, Warnke, Whiteside, Wilson, Wojahn.

Voting nay: Representatives Amen, Barnes, Bauer, Becker, Bender, Boldt, Chandler, Charette, Charnley, Clemente, Cochrane, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Hanna, Haussler, Hawkins, Kilbury, King, Laughlin, Leckenby, Lee, Lux, Lysen, May, McKibbin, Moon, Moreau, Paris, Randall, Seeberger, Sherman, Shinpoch, Smith E.P., Smith R., Sommers, Thompson, Tilly, Valle, Williams, Zimmerman.

Not voting: Representatives Ceccarelli, Gilleland, Matthews.

POINT OF ORDER

Mr. Parker: "Mr. Speaker, I would like to inquire of the Chair as to the majority needed to change the rules since there are now only 96 members to the body?"

SPEAKER PRO TEMPORE'S RULING

The Speaker Pro Tem: "Rule 86 states, 'Any standing rule or order of the house may be rescinded or changed by a majority vote of the members elected . . .' Our practice has been on a majority vote of the members elected that it required a constitutional majority of fifty members. This is the practice we have followed on bills, and our interpretation of the state Constitution on majority of members elected we have interpreted as the constitutional majority. It is true that we now have 96 members, but we would have to adhere to this interpretation of the majority of the members elected, which, in this instance, would be fifty votes. Your rule change would be lost on the basis of that required necessary constitutional majority of fifty."

Mr. Parker: "Am I then to assume that because we have now two vacancies in the House of Representatives that on any proposal that comes before us that they are casting a negative vote?"

The Speaker Pro Tem: "The Speaker doesn't agree with your interpretation. There are three people absent from today's voting and so the two vacancies actually don't have anything to do with it."

NOTICE OF AMENDMENT TO HOUSE RULES

Mr. Parker served notice that he would, on the next working day, offer an amendment to the House Rules.

MOTION

On motion of Mr. Thompson, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

January 27, 1976

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 125,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

January 27, 1976

Mr. Speaker:

The Senate has passed:

REENGROSSED SENATE BILL NO. 2044,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tempore announced that he was about to sign:

SENATE CONCURRENT RESOLUTION NO. 125.

MOTION

On motion of Mrs. Wojahn, the House dispensed with further business under the Call of the House.

INTRODUCTION AND FIRST READING

REENGROSSED SENATE BILL NO. 2044, by Senators Rasmussen and Odegaard:

Regulating the creation and combination of agencies and departments by the executive.

To Committee on State Government

REPORTS OF STANDING COMMITTEES

January 27, 1976

HOUSE BILL NO. 1245, Prime Sponsor: Representative Valle, establishing penalties and enforcement authority for violation of no smoking rules. Reported by Committee on Ecology.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Valle, Chairwoman; Becker, Vice Chairwoman; Bauer, Chandler, Charnley, Deccio, Douthwaite, Flanagan, Hawkins, Lux, Zimmerman.

To Committee on Rules for second reading.

January 23, 1976

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1271, Prime Sponsor: Representative McKibbin, creating a state energy office. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass with the following amendments:

On page 14, following line 2 add a new section to read as follows:

"NEW SECTION. Sec. 25. To carry out the provisions of this act, there is appropriated to the state energy office from the general fund for the biennium ending June 30, 1977, the sum of three hundred five thousand two hundred seventy-nine dollars, or so much thereof as shall be necessary: PROVIDED, That such appropriation shall not be expended if sufficient funds are available from other sources."

Renumber the remaining section consecutively.

On page 1, line 21 of the title after "70.98.070;" insert "making an appropriation;"

Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Bagnariol, Bausch, Blair, Boldt, Charette, Ehlers, Gaspard, May, McKibbin, Smith (Edward), Thompson.

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1291, Prime Sponsor: Representative May, permitting the operation of forty foot school buses. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 15 after "That the" strike "operation of any such auto stage upon" and insert "(operation) route of any such auto stage or school bus upon or across"

Signed by Representatives Perry, Chairman; Barnes, Berentson, Bond, Ceccarelli, Chandler, Charnley, Douthwaite, Dunlap, Gaines, Gallagher, Gilleland, Hansen, Kalich, Lee, Lysen, Seeberger, Sherman, Wilson.

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1299, Prime Sponsor: Representative Sommers, modifying the building code as applied to historic buildings. Reported by Committee on State Government.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hendricks, Nelson, Williams.

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1322, Prime Sponsor; Representative Douthwaite, authorizing limitation of on-street parking to vehicles carrying a minimum number of passengers. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass with the following amendments:

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

"Section 1. Section 2, chapter 133, Laws of 1974 ex. sess. and RCW 46.61.165 are each amended to read as follows:

The state highway commission and local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying not less than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. Such regulations may include provisions for the exclusive or preferential parking of public transportation vehicles or private motor vehicles used to carry not less than a specified number of passengers in designated on-street parking places upon reaching their destination."

On line 2 of the title after "facility;" strike the remainder of the title and insert "and amending section 2, chapter 133, Laws of 1974 ex. sess. and RCW 46.61.165."

Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Laughlin, Adams, Amen, Berentson, Blair, Cochrane, Eng, Fischer, McCormick, North, Smith (Edward), Whiteside, Wilson, Zimmerman.

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1362, Prime Sponsor: Representative Hanna, authorizing local governments to provide cultural and social services. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 16 after "centers" and before ";," insert ", including volunteer services agencies"

On page 3, beginning on line 5 with "NEW" strike the remainder of the bill.

On page 1, line 4 of the title after "projects;" insert "and" and on line 5 of the title strike ";" and declaring an emergency"

Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Subcommittee Chairman; Laughlin, Subcommittee Chairman; Adams, Cochrane, Eng, Fischer, Lee, McCormick, Paris, Smith (Edward), Zimmerman.

To Committee on Rules for second reading.

January 27, 1976

HOUSE BILL NO. 1412, Prime Sponsor: Representative Hurley (Margaret), permitting longer leases and concessions in state parks. Reported by Committee on Parks and Recreation.

MAJORITY recommendation: Do pass. Signed by Representatives Hurley (Margaret), Chairwoman; Gaines, Vice Chairman; Freeman, Lee, North, Peterson, Randall.

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1461, Prime Sponsor: Representative North, changing wording in law relating to publication requirements regarding county contracts. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 26 after "such" insert "public"

Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Laughlin, Blair, Cochrane, Eng, Fischer, Lee, McCormick, North, Smith (Edward).

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1479, Prime Sponsor: Representative Bausch, designating the fourth Monday in May as Memorial Day. Reported by Committee on State Government.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 13 strike "fourth" and insert "last"

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Hendricks, McKibbin, Nelson, Williams.

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1496, Prime Sponsor: Representative Hansen, making appropriations to the highway commission and toll bridge authority. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16 after "of" strike "\$12,179" and insert "\$15,500 of funds"

Signed by Representatives Perry, Chairman; Barnes, Berentson, Bond, Ceccarelli, Chandler, Charnley, Douthwaite, Gaines, Gallagher, Gilleland, Hansen, Hayner, Kalich, Laughlin, Lee, Lysen, Seeberger, Sherman, Wilson.

To Committee on Rules for second reading.

January 27, 1976

HOUSE BILL NO. 1506, Prime Sponsor: Representative Martinis, making certain changes in the laws relating to the game commission. Reported by Committee on Natural Resources.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16 strike "impair" and insert "((impair)) imperil"

Signed by Representatives Martinis, Chairman; Bond, Clemente, Greengo, Hansey, Haussler, Kalich, Kilbury, Moreau, Schumaker.

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1529, Prime Sponsor: Representative Berentson, revising laws supporting county operated ferry systems. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Perry, Chairman; Berentson, Bond, Ceccarelli, Chandler, Charnley, Gaines, Gallagher, Gilleland, Hansen, Hayner, Kalich, Laughlin, Lee, Patterson, Seeberger, Sherman.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Charette, the House adjourned until 10:00 a.m., Thursday, January 29, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

TWENTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, January 29, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Lysen, Pardini and Polk, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Karen Jones and Doug Nelson. Prayer was offered by the Reverend Paul Beeman of the First United Methodist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

January 28, 1976

Mr. Speaker:

The Senate has passed:

REENGROSSED SENATE BILL NO. 3038,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

REENGROSSED SENATE BILL NO. 3038, by Senators von Reichbauer, Rasmussen and Gould:

Supplementing loitering statute as formerly applicable to public and private schools.

To Committee on Education

REPORTS OF STANDING COMMITTEES

January 26, 1976

SUBSTITUTE HOUSE BILL NO. 37, Prime Sponsor: Representative King, setting forth dates special elections may be called. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: The second substitute bill be substituted therefor and that the second substitute bill do pass. Signed by Representatives King, Chairman; Fortson, Vice Chairwoman; Barnes, Brown, Chandler, Erickson, Hawkins, Knowles, Lysen, Sherman, Tilly.

To Committee on Rules for second reading.

January 27, 1976

HOUSE BILL NO. 303, Prime Sponsor: Representative Adams, authorizing department of social and health services to pay counties for special adult supervision programs. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Amen, Bagnariol, Bausch, Boldt, Ehlers, Flanagan, Freeman, Bauer, Gaspard, Hansey, May, Matthews, McKibbin, Polk, Valle, Warnke.

To Committee on Rules for second reading.

January 27, 1976

HOUSE BILL NO. 1000, Prime Sponsor: Representative Shinpoch, making changes in the laws relating to fiscal management. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Amen, Bagnariol, Ehlers, Freeman, Bauer, Gaspard, Hansey, May, McKibbin, Polk, Valle.

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1353, Prime Sponsor: Representative Hanna, authorizing any county governing body to also act as housing authority commission. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass. Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Subcommittee Chairman; Laughlin, Subcommittee Chairman; Adams, Cochrane, Eng, Fischer, McCormick, Paris, Smith (Edward).

To Committee on Rules for second reading.

January 26, 1976

HOUSE BILL NO. 1364, Prime Sponsor: Representative Bauer, changing law relating to contractual rights of school district certificated employees. Reported by Committee on Education.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Bender, Boldt, Dunlap, Ehlers, Eng, Fortson, Gaspard, Haley, Hendricks, Valle, Whiteside.

To Committee on Rules for second reading.

January 27, 1976

HOUSE BILL NO. 1380, Prime Sponsor: Representative Randall, requiring boat registration. Reported by Committee on Parks and Recreation.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Hurley (Margaret), Chairwoman; Gaines, Vice Chairman; Lee, North, Peterson, Randall.

To Committee on Rules for second reading.

January 28, 1976

HOUSE BILL NO. 1436, Prime Sponsor: Representative Wojahn, providing for licensing of specialty electricians. Reported by Committee on Commerce.

MAJORITY recommendation: Do pass. Signed by Representatives Warnke, Chairman; Jastad, Vice Chairman; Dunlap, Gaines, Greengo, Kuehnle, Wojahn.

To Committee on Rules for second reading.

January 28, 1976

HOUSE BILL NO. 1505, Prime Sponsor: Representative Lysen, permitting late property tax exemption applications. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: Do pass. Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Bagnariol, Eikenberry, Hawkins, Hurley (George), Kilbury, Moreau, Nelson, Sommers, Williams.

To Committee on Rules for second reading.

SPEAKER'S PRIVILEGE

The Speaker Pro Tem recognized within the bar of the House the 1976 Wheat Queen, Jill Baumann, and requested Representatives Kilbury, Hansen, Amen and Hayner to escort her to the rostrum.

Queen Jill briefly addressed the House, and the Speaker Pro Tem requested the escort committee to escort her from the House Chamber.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SECOND READING

HOUSE BILL NO. 1340, by Representative Smith (Rick):

Making lesser traffic law violations noncriminal offenses.

The bill was read the second time.

(For previous action see Journal, Twenty-second Day, 2nd ex. sess., January 26, 1976.)

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Newhouse and Eikenberry.

SPEAKER PRO TEMPORE'S RULING

The Speaker Pro Tem: "Representative Eikenberry, with respect to the question posed by you Monday relative to the advice you gave in the preparation of House Bill No. 1340, and a possible conflict with RCW 9A.68.030, it is the ruling of the Chair that RCW 9A.68.030 has an effective date of July 1, 1976, and therefore there is presently no conflict with your voting on the bill.

"With respect to your question relative to House Rule 67 stating in part that 'No member shall vote on any question in the event of which that member is immediately or particularly interested. . . ' it is the ruling of the Chair that you do not have the private type of interest contemplated by this rule. Your voting on this bill is in line with your legislative duties and required if you are in the House pursuant to Rule 65. I have also decided you have no conflict of interest as contemplated by Joint Rule 1. You may vote, Representative Eikenberry."

Mr. Newhouse spoke in favor of the amendment, and Mr. Smith (Rick) spoke against it.

POINT OF INQUIRY

Mr. Smith (Rick) yielded to question by Mr. Bond.

Mr. Bond: "I just want to make it perfectly clear, at least in my own mind, if this measure will still provide for a jail sentence for driving while a driver's license is suspended or while a person does not have a driver's license?"

Mr. Smith (Rick): "Yes, it certainly will."

Mr. Seeberger spoke in opposition to the amendment.

The amendment was adopted.

House Bill No. 1340 was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1341, by Representative Smith (Rick):

Revising probate laws.

The bill was read the second time.

The Clerk read the following amendment by Representatives Tilly and Becker:

On page 25, line 18 insert the following:

NEW SECTION. Sec. 30. The legislature finds a need to reduce the expense of probate of estates by permitting informal, administrative review rather than requiring any proceedings in court, wherever possible. It is intended that such an administrative review be available unless the testator forbids informal administration and excepting instances where a distributee or creditor requests court intervention.

NEW SECTION. Sec. 31. The terms defined in this section shall have the meanings indicated whenever used in this chapter unless the context clearly indicates otherwise.

(1) "Informal administration" means administrative review by a probate registrar in accordance with the provisions of this chapter.

(2) "Probate registrar" means a court commissioner or other officer designated by the county legislative authority who shall review informal administration of estates by personal representatives when permitted under this chapter.

(3) "Judicial review" means proceedings in superior court under the applicable provisions of Title 11 RCW outside of this chapter.

(4) "Interested person" includes:

(a) An heir of the decedent;

(b) A beneficiary named in any document offered for probate as the will of the decedent and includes a person named or acting as a trustee of any trust, inter vivos or testamentary, named as a beneficiary;

(c) A beneficiary of a trust created under any document offered for probate as the will of the decedent;

(d) A person named as personal representative in any document offered for probate as the will of the decedent; and

(e) Additional persons as the court by order includes as "interested persons".

NEW SECTION. Sec. 32. Informal administration may be used:

(1) Where the decedent died testate and:

(a) The will does not prohibit the use of informal administration; and

(b) The will names a personal representative who accepts such appointment;

(2) Where the decedent died intestate or a personal representative is not named, or a named personal representative does not accept appointment, if all interested persons request or consent in writing to informal administration and to the appointment of the same person as personal representative. An interested person who is a minor or otherwise incompetent may give consent by a guardian or guardian ad litem. The registrar may appoint a parent as guardian ad litem.

NEW SECTION. Sec. 33. (1) Judicial review in this chapter is a judicial proceeding before the court involving the administration of the estate of a decedent, including a court proceeding concerning the use or availability of this chapter. It is distinguished from an administrative proceeding before the probate registrar. Judicial review to a particular issue or as to the entire subsequent administration of the estate, may be initiated by the personal representative or by any interested person at any time by a written demand therefor. Judicial review may be demanded by a guardian or guardian ad litem on behalf of an interested person who is a minor or otherwise incompetent.

(2) A demand for judicial review shall be served on the personal representative, if any, and filed with the court. Service of a demand on the personal representative or, if none is appointed, filing of a demand with the court shall suspend informal administration as to the issues or matters referred to therein and shall suspend the powers of the personal representative in respect thereto until the same are reinstated by the court.

NEW SECTION. Sec. 34. Whenever fraud has been perpetrated in connection with any proceeding or in any statement filed under this chapter, or if fraud is used to avoid or circumvent the provisions or purposes of this chapter, any person injured thereby may obtain appropriate relief against the perpetrator of the fraud, including restitution from any person, other than a bona fide purchaser, benefiting from the fraud, whether innocent or not. Any proceeding must be commenced within two years after the discovery of the fraud, but no proceeding may be brought against one not a perpetrator of the fraud later than five years after the time of commission of the fraud. This section has no bearing on remedies relating to fraud practiced on a decedent during his lifetime which affects the succession of his estate.

NEW SECTION. Sec. 35. (1) Except where a demand for judicial review has been duly made:

(a) Any interested person may apply for informal administration unless administration has been commenced under the provisions of chapters 11.68 or 11.76 RCW; and

(b) The personal representative may apply for informal administration at any time during administration.

(2) The determination of each issue and the completion of each proceeding required for the administration of a decedent's estate is independent of any other issue or proceeding involving the same estate.

(3) Petitions for judicial review during informal administration may combine various requests for relief if all the requests may be finally granted without delay.

(4) Upon entry of an order or judgment in a formal proceeding informal administration shall resume except as otherwise ordered by the court.

NEW SECTION. Sec. 36. (1) Personal representatives proceeding with informal administration shall meet the qualifications of RCW 11.36.010 and also comply with the following:

(a) Bond requirements if needed pursuant to chapter 11.28 RCW; and

(b) Notice to creditors and settlement of claims pursuant to chapter 11.40 RCW.

NEW SECTION. Sec. 37. (1) Within twenty days after appointment, the personal representative shall cause written notice of said appointment, and of the pendency of said probate proceedings, to be served personally or mailed to each heir, legatee, and devisee whose names and addresses are known to him, and proof of such service shall be made by affidavit and filed with the probate registrar with or prior to the final accounting.

(2) When an estate is under informal administration and a demand for a judicial proceeding has been made, the personal representative shall, within ten days of receipt of the demand, mail to each person interested in the estate a statement disclosing the demand and its nature.

NEW SECTION. Sec. 38. (1) The application to initiate informal administration shall be directed to the probate registrar and shall state whether any probate or administrative proceeding concerning the estate of the decedent is pending in this state or elsewhere, and the nature of such proceeding, if any.

(2) In addition to the statements required by subsection (1) of this section, where the decedent apparently died testate, the application shall state:

(a) That the original will is in the possession of the court or accompanies the application, or that it was probated elsewhere and an authenticated copy accompanies the application;

(b) That the applicant believes the will to have been executed properly and to be valid and that he has made diligent inquiry and is unaware of any subsequent revocation of the will.

(3) In addition to the statements required by subsection (1) of this section, where the decedent apparently died intestate, the application shall state that the applicant has made diligent inquiry and is unaware of any unrevoked testamentary instrument of the decedent.

(4) An application for appointment of a successor personal representative shall adopt the statements of any previous application unless they no longer are accurate in which event corrected statements shall be made. Consents required by section 32 of this 1976 amendatory act shall be reaffirmed by all interested persons.

(5) An application for informal administration in a pending estate shall incorporate all information otherwise required by this section and in addition shall set forth the name and post office address of the personal representative of the estate.

NEW SECTION. Sec. 39. (1) The acts and orders which this chapter specifies as performable by the probate registrar may be performed by a court commissioner or other officer designated by the county legislative authority.

(2) The probate registrar, the deputy, or members of the staff of the probate registrar, or other persons designated to perform the duties of the probate registrar, under this chapter, shall not be obligated to prepare, assist, or advise in the preparation of any of the documents required to be prepared and filed by the personal representative under this chapter.

NEW SECTION. Sec. 40. (1) Where no administration proceedings are pending, upon receipt of an application for informal administration the probate registrar shall determine whether:

(a) The application is complete including verification and the applicant is an interested person;

(b) The court of the county in which the application is made has jurisdiction of the estate of the decedent;

(c) The requests and consents required by section 3 of this 1976 amendatory act are complete and notice to creditors has been given as required under chapter 11.40 RCW;

(d) The decedent died intestate or testate, and if testate, whether the original will is in the possession of the court or accompanies the application and contains an attestation clause showing compliance with the requirements of execution under chapter 11.12 RCW, and does not expressly prohibit informal administration;

(e) The person nominated for personal representative is not disqualified under RCW 11.36.010 or otherwise deemed unsuitable;

(f) Bond may be required. The probate registrar shall have the authority granted to the court by, and shall proceed pursuant to, chapter 11.28 RCW.

(2) Where administration proceedings are pending either before the court or in another jurisdiction, upon receipt of an application for informal administration the probate registrar shall determine, in addition to the requirements of subsection (1) of this section, that no demand for formal administration has been made and, where the decedent died testate and the will was probated elsewhere, that an authenticated copy of the will and proof of probate accompany the application.

(3) The failure of the probate registrar to make a determination on any of the items set forth in subsections (1) and (2) of this section shall not be a defense in any suit at law against the personal representative.

NEW SECTION. Sec. 41. (1) Upon receipt of an application and making the determinations required by section 40 of this 1976 amendatory act, the probate registrar may enter a statement of informal administration, admit a will to informal probate and may appoint the personal representative nominated by the will or requested by the interested parties, subject to qualification and acceptance.

(a) Where no personal representative is named or where the named personal representative fails to qualify, the personal representative shall be either a bank or trust company entitled to exercise fiduciary powers in this state which has the consent of all interested persons, other than creditors of the deceased, or a natural person who has the consent of all interested parties, other than creditors of the deceased, and is:

(i) In an intestate estate, an heir; or

(ii) In a testate estate, a beneficiary; or

(iii) In any estate, an attorney admitted to practice law in this state.

(b) If the decedent was a nonresident, the appointment shall be delayed until thirty days have elapsed since death.

(2) Prior to receiving letters, a personal representative shall qualify by filing with the probate registrar a statement of acceptance of the duties of the office and any required bond. By accepting appointment, a personal representative submits personally to the jurisdiction of the court in any proceeding relating to the estate that may be instituted by any interested person.

(3) If the probate registrar is not satisfied that a will is entitled to be probated or that a requested appointment of a personal representative should not be made because of failure to meet the requirements of this chapter, or for any other reason, he shall deny the application. Denial of an application is not an adjudication and does not preclude proceeding other than informally.

(4) Upon appointment and qualification, letters shall be issued and the estate shall be administered under this chapter unless or until superseded or suspended by formal proceedings.

(5) Within ten days of his appointment the personal representative shall, where the estate is testate, provide a copy of the will and a list of all interested persons to each interested person; and, where the estate is intestate, the personal representative shall furnish a list of all interested persons to each interested person.

(6) If the will of the decedent provides for a testamentary trust, letters of trust shall be issued to the trustee upon admission of the will to informal probate at the same time that letters are granted to the personal representative.

NEW SECTION. Sec. 42. (1) A personal representative to whom letters have been issued by the probate registrar and whose letters have not been revoked has all the powers of a personal representative to whom letters have been issued by the court except those involving sale, lease, mortgage, or other transaction involving real property under chapter 11.56 RCW which shall require an order of the superior court.

(2) The duties and powers of a personal representative appointed under this chapter commence upon his appointment. His powers relate back in time to acts by him prior to appointment which are beneficial to the estate.

NEW SECTION. Sec. 43. (1) A personal representative shall proceed with the settlement and distribution of the decedent's estate and, except as provided by this chapter or required by interested persons, shall do so without adjudication, order, or direction of the court. At any time however, the personal representative may invoke the authority of the court to resolve questions concerning the estate or its administration. Subject to other obligations of administration, an informally probated will is authority to administer and distribute the estate of the decedent according to its terms. The personal representative may pay an allowance as necessary or appropriate for the support of the surviving spouse and any minor children during informal administration of the estate. Such allowance shall be determined and paid under chapter 11.52 RCW, except that a court order shall not be required unless judicial proceedings as to this issue are initiated under section 33 of this 1976 amendatory act.

(2) Any determination made in the course of informal administration or probate is subject to review and redetermination by the court in judicial proceedings at any time prior to termination of the appointment of the personal representative under section 50(2) of this 1976 amendatory act, or the entry of final judgment under chapter 11.76 RCW. Any such redetermination shall not affect the rights of bona fide purchasers and other third parties dealing in good faith with an informally appointed personal representative.

NEW SECTION. Sec. 44. (1) A personal representative who is not successor to another representative who previously has discharged this duty shall prepare an inventory of property owned by the decedent at the time of death, listing all items with reasonable detail. The inventory may indicate as to each listed item its fair market value and the amount of any encumbrance as of the death of the decedent and shall list the fair market value of and the amount of any encumbrance on bank and savings accounts, securities, and real property.

(2) The personal representative shall furnish a copy of the inventory to interested persons, and the probate registrar. He need not file the inventory, the state inheritance tax return, nor the federal estate tax return with the court but he may do so if he deems it in the best interest of the estate and the beneficiaries.

NEW SECTION. Sec. 45. The personal representative may employ a qualified and disinterested appraiser to assist in ascertaining values of any assets where valuation is subject to reasonable doubt. The name and address of any appraiser so employed shall be indicated on the inventory with the item or items appraised by him, notwithstanding the omission from the inventory of the value thereof. Any interested person may invoke the jurisdiction of the court to require an appraisal or to contest said appraisals.

NEW SECTION. Sec. 46. A personal representative may pay valid demands against the estate, whether filed as a claim or not, within the time allowed for filing claims. In allowing a claim the personal representative may deduct any counterclaim which the estate has against the claimant.

NEW SECTION. Sec. 47. Claims against a decedent's estate shall be presented as follows:

(1) The claimant may deliver or mail to the probate registrar a written statement of the claim indicating its basis, the name and address of the claimant, and the amount claimed. If a claim is not yet due, the date when it will become due shall be stated. If the claim is contingent or unliquidated, the nature of the uncertainty shall be stated. If the claim is secured, the security shall be described. Failure to describe correctly the security, the nature of any uncertainty, and the due date of a claim not yet due does not invalidate the presentation made.

(2) The claimant may commence a proceeding against the personal representative in superior court to obtain payment of his claim against the estate, but the commencement of the proceeding must occur within the time limited for presenting the claim. No presentation of claim is required in regard to matters claimed in proceedings against the decedent which were pending at the time of his death.

(3) In the case of a claim which is not presently due or which is contingent or unliquidated, the personal representative may consent to an extension of the three month period, or to avoid injustice the court, on petition, may order an extension of the three month period, but in no event shall the extension run beyond the applicable statute of limitations.

(4) All claims must be presented within three months of the first insertion of the notice required by section 36 of this 1976 amendatory act or be forever barred.

(5) The personal representative shall mail the claimant a notice that his claim is either allowed or disallowed within thirty days after the date on which claims are barred.

NEW SECTION. Sec. 48. A distributee of property which was distributed or paid improperly and a claimant who was paid improperly are liable to return the property or assets so distributed or paid together with all income received thereon, unless the distribution or payment cannot be questioned because of an adjudication, estoppel, limitation, or other bar. If the distributee or claimant no longer has the property or assets, he is liable to return the value thereof as of the date of distribution together with all income and gain received thereon.

NEW SECTION. Sec. 49. If property distributed in kind or a security interest therein is acquired from a distributee by a purchaser, or lender, in good faith, for value and without actual notice that the distribution was improper, the purchaser or lender takes title free of any claims of the estate and incurs no personal liability to the estate, whether or not the distribution was proper. Purchasers and lenders have no duty to inquire whether a distribution was proper.

NEW SECTION.-Sec. 50. (1) Under informal administration a personal representative may close an estate by filing with the probate registrar a verified statement that he, or a prior personal representative whom he has succeeded, has:

(a) Duly given notice to interested persons and to creditors, and that the time for filing claims has expired prior to the date of the statement;

(b) Fully administered the estate of the decedent by making payment, settlement, or other disposition of all claims which were presented, expenses of administration, reasonable funeral and burial expenses, and estate, inheritance, and other taxes, except as expressly specified otherwise, and that the assets of the estate have been inventoried and distributed to the persons entitled thereto. If any claims, expenses, or taxes remain undischarged, the statement shall disclose in detail all arrangements made to accommodate the outstanding liabilities; and

(c) Sent a copy of the statement to all distributees of the estate and to all creditors or other claimants of whom he is aware whose claims are neither paid nor barred and has furnished a full account in writing of his administration to the distributees whose interests are affected thereby.

(2) If no proceedings challenging the statement or otherwise involving the personal representative are pending in the court six months after the statement is filed, appointment of the personal representative terminates.

NEW SECTION. Sec. 51. After assets of an estate have been distributed, and subject to section 53 of this 1976 amendatory act, an undischarged claim not barred under chapter 11.40 RCW or otherwise may be prosecuted in a proceeding against one or more distributees of property from an estate administered under this chapter. No distributee shall be liable to claimants for amounts in excess of the value of his distribution as of the time of distribution. As among distributees, each shall bear the cost of satisfaction of unbarred claims as if the claim had been satisfied in the course of administration.

NEW SECTION. Sec. 52. Unless barred by adjudication and except as provided in the closing statement, the rights of interested persons and of creditors whose claims have not otherwise been barred against the personal representative for breach of fiduciary duty are barred unless a proceeding to assert the same is commenced within six months after the filing of the closing statement. Rights thus barred do not include recovery for fraud, misrepresentation, or inadequate disclosure related to the settlement of the decedent's estate.

NEW SECTION. Sec. 53. (1) Unless previously adjudicated in a judicial testacy proceeding or otherwise barred, the claim of any claimant to recover from a distributee who is liable to pay the claim, and the right of any heir or devisee, or of a successor personal representative acting in their behalf, to recover property improperly distributed or the value thereof from any distributee is forever barred at the later of:

(a) Three years after the decedent's death; or

(b) One year after the time of distribution thereof.

(2) This section does not bar an action to recover property or value received as the result of fraud or an action by a creditor where notice was not given.

NEW SECTION. Sec. 54. Sections 30 through 53 of this 1976 amendatory act shall constitute a new chapter in Title 11 RCW."

POINT OF ORDER

Mr. Knowles: "I would ask the Chair to examine this amendment on the basis of scope and object. I believe it is almost identical to House Bill No. 1285 which is before the House."

Mr. Tilly spoke to the point of order.

SPEAKER PRO TEM'S RULING

The Speaker Pro Tem: "It appears that the amendment is not substantially different from House Bill No. 1285 which is presently in the House Judiciary Committee. The House rules state that no bill can be amended by attaching thereto or incorporating therein any other bill pending before the House; therefore this amendment is out of order and your point is well taken, Representative Knowles."

POINT OF INQUIRY

Mr. Smith (Rick) yielded to question by Mr. Amen.

Mr. Amen: "I noticed on page 9 of this bill that in section 11 you have struck subsection (1) and added '...forty days after a decedent's death, any person who is indebted to or who has possession of any personal property belonging to the decedent or to the decedent and his or her surviving spouse as a community, which debt or personal property is an asset which is subject to probate, shall pay such indebtedness or deliver such personal property...' It instructs here that they cannot provide an instrument evidencing of death. Is there some other

place this provision appears in the bill or would this not allow that an instrument evidencing of death be given?"

Mr. Smith (Rick): "This section deals with the transfer of personal property in situations where the total estate is less than \$10,000 and that language would include a promissory note for something which may not even be due. It clarifies the affidavit procedure without changing what we established in the original probate law."

MOTION

On motion of Mr. Thompson, further action on House Bill No. 1341 was deferred, and the bill was ordered placed on the second reading calendar following House Bill No. 1311.

HOUSE BILL NO. 1082, by Representative Hayner:

Designating Fort Walla Walla Park as a regional park.

The bill was read the second time.

On motion of Mrs. Hayner, the following amendment by Representatives Hayner and Kilbury was adopted:

On page 1, line 10 after "Walla Walla" strike "Port" and insert "Park"

On motion of Mrs. Hayner, the following amendment by Representatives Hayner and Hurley (Margaret) was adopted:

On page 1, line 13 after "(2)" strike "The state or any agency thereof, any" and insert "Any"

House Bill No. 1082 was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1286, by Representative Kilbury:

Amending irrigation district fiscal management procedures.

The bill was read the second time.

On motion of Mr. Newhouse, the following amendment by Representatives Newhouse and Kilbury was adopted:

On page 1, section 1, beginning on line 9 strike everything down to and including "the board" on line 28 and insert "The treasurer of the county in which is located the office of the district shall be ex officio treasurer of the district((. and any county treasurer handling district funds shall be liable upon his official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty as county or district treasurer. The treasurer of each county in which lands of the district are located shall collect and receipt for all assessments levied on lands within his county. There shall be deposited with the district treasurer all funds of the district. He shall pay out such funds upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund upon coupons or bonds presented to the treasurer. All warrants shall be paid in the order of their issuance)); PROVIDED, That the board by resolution may designate some other person having experience in financial or fiscal matters as treasurer of the irrigation district. The board may, and if the treasurer is not the county treasurer it shall, require a bond, with a surety company authorized to do business in the state of Washington, in an amount and under the terms and conditions which the board by resolution from time to time finds will protect the district against loss. The premium on any such bond shall be paid by the district.

All district funds shall be paid to the treasurer and shall be disbursed by him only on warrants issued by an auditor appointed by the board, upon orders or vouchers approved by it. The treasurer shall establish an irrigation district fund, into which shall be paid all district funds, and he shall maintain such special funds as may be created by the board, into which he shall place all money as the board may, by resolution, direct.

If the treasurer of the district is the treasurer of the county all district funds shall be deposited with the county depositories under the same restrictions, contracts, and security as provided for county depositories; if the treasurer of the district is some other person, all funds shall be deposited in such bank or banks authorized to do business in this state as the board by resolution shall designate, and with surety bond to the district or securities in lieu thereof of the kind, no less in amount, as provided in RCW 36.48.020 for deposit of county funds.

Such surety bond or securities in lieu thereof shall be filed or deposited with the treasurer of the district, and approved by resolution of the board.

All interest collected on district funds shall belong to the district and be deposited to its credit in the proper district funds.

A district may provide and require a reasonable bond of any other person handling moneys or securities of the district: PROVIDED, That the district pays the premium thereon.

The district treasurer shall report, in writing, on the first Monday in each month to the directors, the amount in each fund, the receipts for the month preceding in each fund, and file the report with the secretary of the board. The secretary shall report to the board, in writing, at the regular meeting in each month.

the amount of receipts and expenditures during the preceding month, and file the report in the office of the board."

House Bill No. 1286 was ordered engrossed and passed to Committee on Rules for third 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.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1341:

The House resumed consideration of House Bill No. 1341 on second reading.

Mr. Eikenberry moved adoption of the following amendment:

On page 9, following section 10 add a new section to read as follows:

"Sec. 11. 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 are each amended to read as follows:

Homesteads may be selected and claimed in lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ((ten)) twenty thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the claimants, and shall not be devoted exclusively to any other purpose."

Renumber the remaining sections consecutively.

Representatives Eikenberry and Smith (Rick) spoke in favor of the amendment, and it was adopted.

On motion of Mr. Eikenberry, the following amendment to the title was adopted:

On page 1, line 20 of the title after "RCW 11.52.022;" insert "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;"

House Bill No. 1341 was ordered engrossed and passed to Committee on Rules for third 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.

Mr. Randall moved adoption of the following amendment:

On page 1, beginning on line 12 strike all of section 1 and renumber the remaining sections consecutively.

Mr. Randall spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "Isn't it true that some thought was given last year while we were working on the biennial budget to the elimination of the revolving fund for the gambling commission; that in fact, that revolving fund was not eliminated and so exists?"

Mr. Randall: "That is correct."

Mr. Randall spoke again in favor of the amendment, and Representatives Kuehnle and Warnke spoke against it.

POINT OF INQUIRY

Mr. Warnke yielded to question by Mr. Newhouse.

Mr. Newhouse: "Is there a possible compromise? Both the local government and the Gambling Commission need money, could it be divided up to be fair and equitable so that the local government can perform their regulatory performance and the Gambling Commission can perform theirs?"

Mr. Warnke: "I believe that local government has in their budget money to take care of the policing of a certain amount of this type of activity."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Randall to Substitute House Bill No. 90, and the amendment was not adopted by the following vote: Yeas, 29; nays, 60; not voting, 7.

Voting yea: Representatives Amen, Bauer, Becker, Blair, Brown, Curtis, Douthwaite, Dunlap, Eng, Erickson, Flanagan, Hanna, Hawkins, Kilbury, Knowles, Laughlin, Lee, Lux, Matthews, Moreau, Nelson, Newhouse, Peterson, Randall, Smith E. P., Smith R., Sommers, Thompson, Valle.

Voting nay: Representatives Adams, Bagnariol, Barnes, Bausch, Bender, Berentson, Boldt, Bond, Chandler, Charnley, Clemente, Cochrane, Conner, Deccio, Ehlers, Eikenberry, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kuehnle, Leckenby, Martinis, Maxie, May, McKibbin, Moon, North, O'Brien, Paris, Parker, Patterson, Perry, Sawyer, Schumaker, Seberger, Sherman, Shinpoch, Tilly, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Ceccarelli, Charette, King, Lysen, McCormick, Pardini, Polk.

Mrs. Wojahn moved adoption of the following amendment:

On page 13, line 36 before the period insert "": PROVIDED, That any person conducting or operating an amusement game other than a cakewalk or a fishpond must award a merchandise prize to each contestant less than eighteen years of age each time such contestant places a wager at such game"

Representatives Wojahn and Warnke spoke in favor of the amendment, and Representatives Kuehnle, Barnes and Nelson spoke against it.

Mrs. Wojahn closed debate, speaking again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Wojahn to Substitute House Bill No. 90, and the amendment was not adopted by the following vote: Yeas, 32; nays, 53; not voting, 11.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Brown, Charnley, Conner, Erickson, Fischer, Fortson, Hanna, Hansen, Hurley G. S., Kalich, Kilbury, Knowles, Laughlin, Martinis, Maxie, North, O'Brien, Parker, Sherman, Shinpoch, Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Amen, Barnes, Becker, Berentson, Blair, Boldt, Bond, Chandler, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Jueling, King, Kuehnle, Leckenby, Lee, Matthews, May, McKibbin, Moreau, Nelson, Paris, Patterson, Peterson, Randall, Sawyer, Schumaker, Seberger, Smith E. P., Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Ceccarelli, Charette, Ehlers, Lux, Lysen, McCormick, Moon, Newhouse, Pardini, Perry, Polk.

Substitute House Bill No. 90 was passed to Committee on Rules for third reading.

MOTION

On motion of Mr. Thompson, the House recessed until 1:45 p.m.

AFTERNOON SESSION

The House was called to order at 1:45 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Lysen, Pardini and Perry, who were excused.

SECOND READING

HOUSE JOINT RESOLUTION NO. 15, by Representatives Thompson, Wilson, Bauer, Laughlin and Zimmerman:

Amending the Constitution to authorize approval of special levies by majority vote and permitting a single election in each twelve-month period.

The resolution was read the second time.

Mr. Thompson moved adoption of the following amendment:

On page 1, strike all material on lines 22 through 30 and insert:

"(a) By any taxing district, except as otherwise provided in this subsection, when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election, except as otherwise provided in this subsection, the number of persons voting 'yes' on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition exceed forty per centum of the total votes cast in such taxing district in the last preceding general election: PROVIDED, That for any proposition to levy such additional tax by a school district board of directors submitted to its electors on the date of a state general election not more than sixteen months prior to the date on which the proposed levy is to be made, or for the primary for such state general election, a majority of at least fifty per centum of the electors thereof voting on the proposition shall constitute authorization;

On page 2, strike all material on lines 1 through 8.

Mr. Hansey moved adoption of the following amendment to the Thompson amendment by Representatives Hansey, Kalich and Berentson:

On the 3rd line from the bottom of the amendment after "fifty" insert "--five"

Representatives Hansey and Kalich spoke in favor of the amendment to the amendment, and Mr. Thompson spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment to the amendment to House Joint Resolution No. 15, and the amendment was not adopted by the following vote: Yeas, 39; nays, 44; not voting, 13.

Voting yea: Representatives Adams, Amen, Barnes, Berentson, Bond, Deccio, Eikenberry, Erickson, Freeman, Gilleland, Greengo, Haley, Hansey, Haussler, Hayner, Hendricks, Jastad, Kalich, Knowles, Kuehnl, Leckenby, Martinis, Matthews, McCormick, North, Paris, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Smith R., Tilly, Warnke, Whiteside, Wilson, Wojahn.

Voting nay: Representatives Bauer, Becker, Bender, Blair, Boldt, Brown, Chandler, Charnley, Clemente, Cochrane, Douthwaite, Dunlap, Ehlers, Eng, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Hawkins, Hurley G. S., Juelling, Kilbury, King, Laughlin, Lee, Lux, Maxie, May, McKibbin, Moon, Moreau, O'Brien, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Williams, Zimmerman.

Not voting: Representatives Bagnariol, Bausch, Ceccarelli, Charette, Conner, Curtis, Fischer, Hurley M., Lysen, Nelson, Newhouse, Pardini, Perry.

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Thompson.

Mr. Thompson spoke in favor of the amendment, and Mr. Wilson spoke against it.

MOTION

Mr. Kuehnl moved that further action on House Joint Resolution No. 15 be deferred, and the resolution be placed at the top of tomorrow's second reading calendar.

Representatives Kuehnl and Thompson spoke in favor of the motion, and it was carried.

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.

Committee on Education recommendation: Majority, do pass as amended. (For amendment, see Journal, Eighteenth Day, 2nd ex. sess, January 22, 1976.)

Mr. Bauer moved adoption of the committee amendment.

Mr. Bauer moved adoption of the following amendment to the committee amendment:

On page 1, the last line of the committee amendment, after "purposes" insert ": PROVIDED FURTHER. That the acquisition of improved or unimproved real property as set forth in this act shall be subject to voter approval according to RCW 28A.47 and RCW 28A.52: PROVIDED FURTHER. That the proceeds from any sale of school district real property by a board of directors may qualify as the local effort for purposes of state match from the common school construction fund"

Mr. Bauer spoke in favor of the amendment to the committee amendment.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Randall.

Mr. Randall: "Do you not now have statutory limits over which amount a school district must go for voter approval of a sale?"

Mr. Bauer: "A statutory amount on what can be sold of school property?"

Mr. Randall: "On any sale that is over a certain dollar figure, voter approval is now required. It seems to me that is the case and if that is the case, why do we need this amendment?"

Mr. Bauer: "Speaking to voter approval of the sale, you now must have voter approval to build a new building. We have in here the requirement that the public say yes, you may use those dollars to build another building or buy land for building purposes. Really you are not achieving that objective by having voter approval to sell the land; that's quite different from getting voter approval to purchase new land or build a new building."

The amendment to the committee amendment was adopted, and the committee amendment as amended was adopted.

House Bill No. 1404 was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE JOINT RESOLUTION NO. 64, by Representatives Haussler and Lee:

Establishing alternate methods for the framing of county "Home Rule" charters.

The resolution was read the second time.

Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Eleventh Day, 2nd ex. sess., January 15, 1976.)

On motion of Mr. Haussler, the committee amendments were adopted.

House Joint Resolution No. 64 was ordered engrossed and passed to Committee on Rules for third reading.

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.

Committee on Commerce recommendation: Majority, do pass as amended. (For amendments, see Journal, 1975 1st ex. sess., page 1136.)

On motion of Mr. Warnke, the committee amendments were adopted.

The Clerk read the following amendment by Representative Kuehnle:

On page 4, line 4 insert the following new section:

"NEW SECTION, Sec. 5. There is added to chapter 184, Laws of 1933 and to chapter 67.08 a new section to read as follows:

It shall be unlawful to bet or wager on any contest held under the provisions of this chapter. Violation of this section shall be a misdemeanor."

With the consent of the House, Mr. Kuehnle withdrew the amendment.

House Bill No. 70 was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 122, by Representatives Martinis and Kilbury:

Revising the public lands management laws.

The bill was read the second time.

On motion of Mr. Martinis, Substitute House Bill No. 122 was substituted for House Bill No. 122, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 122 was read the second time.

Mr. Matthews moved adoption of the following amendment:

On page 4, section 1, line 9 strike all of section 1 and insert the following:

"NEW SECTION. Section 1. There is added to chapter 79.01 RCW a new section to read as follows:

The legislature finds that state-owned tidelands, shorelands, harbor areas, waterways, and beds of navigable waters are a public heritage of inestimable value but of limited extent. These lands, which belong to all the people of the state, are a primary natural resource, important for ecological, recreational, scientific, economic, aquacultural, transportation, and aesthetic values.

It is declared to be the policy of the state to determine as rapidly as practicable the location of all publicly owned aquatic lands. Such lands are to be actively protected from unauthorized uses and encroachments. The extent of the state-owned aquatic land base is to be maintained to the greatest degree feasible; therefore, title to or permanent control of any such lands shall not be conveyed except (1) by exchange for other aquatic lands of equal or greater monetary or public use value, or (2) through sale to governmental agencies, or (3) where the aquatic character or public use value of the lands has been or will be lost through filling or other improvements authorized under the Shoreline Management Act of 1971, Ch. 90.58 RCW. Proposed conveyances shall be presented to the departments of fisheries and game for their recommendation prior to being submitted to the board of natural resources, which shall approve where consistent with Ch. 90.58 RCW.

Publicly owned aquatic lands administered under this chapter shall be managed by the department of natural resources consistently with any applicable shoreline management master program adopted under Ch. 90.58 RCW, under policies adopted by the board of natural resources. Such policy and management shall be for the benefit of all the people of the state as a public trust, to produce the maximum long-term public benefit. Statewide public interests shall be given priority over local interests. The department will incorporate in its management programs an aquatic land classification system consistent with any applicable shoreline management master program adopted under Ch. 90.58 RCW. The classification system shall balance ecological, social, economic, and other values, including, but not limited to location of waterfowl habitat; fish spawning, rearing, and migration areas; suitable recreational and commercial shellfish habitat; suitable aquaculture sites; production of food organisms needed by species higher on the food chain; and needs for water-oriented industry and recreation. To the extent feasible, the department shall reserve and manage these lands to utilize their biological and economic productivity for the public benefit. To the extent feasible, the department is to provide for acquisition and for public use of aquatic lands and shall incorporate this objective in its management programs."

Mr. Matthews spoke in favor of the amendment, and Mr. Martinis spoke against it.

Mr. Matthews spoke again in favor of the amendment, and Mr. Martinis again spoke against it.

POINT OF INQUIRY

Mr. Martinis yielded to question by Mr. Barnes.

Mr. Barnes: "Looking up a little bit further, Representative Martinis, '(3) where the aquatic character of public use value of the lands has been or will be lost through filling or other improvements authorized under the Shoreline Management Act. . . .' Wouldn't this then mean that these lands are not aquatic lands any more and there would be no value in hanging on to them?"

Mr. Martinis: "Yes, we have gone through this. With your indulgence I would like to give you a little background before I answer the question. Up at the building at SeaTac where we have our offices, Mr. Jan Pauw from the Weyerhaeuser Company was presenting all of these amendments and their argument for them and for taking filled tidelands out of the aquatic lands territory. There were representatives there from timber companies, the forests, all people, marina-type people, anyone who was interested in shorelines and tidelands of this state, and I asked the group, 'Is there anyone here besides Jan Powell who supports these amendments?' There wasn't a single person who answered yes. Now let me explain what the arguments are against this. If a piece of filled tideland is taken out of the aquatic lands category there will never be a shorelands permit issued in this state for filling a piece of shoreland or tideland because I don't think there is any local government that will ever issue a shorelands permit that would mandate that filled piece of tideland would be taken out of its aquatic state—there is no way in the world. The reason behind this amendment is for the Weyerhaeuser Company because they have many pieces of aquatic land that has been filled and they want to be grandfathered into it; they want to be able to buy those tidelands that are adjacent to their uplands. That's what it's all about."

The amendment was not adopted.

Mr. Matthews moved adoption of the following amendment by Representatives Matthews, Conner and Hansley:

On page 21, line 5 after "(lands)." insert "For a period of eighteen months after the effective date of this 1976 act such reserved and reversionary rights may be sold for the fair market value to the owner of

such tidelands, if the department finds that the owner has engaged in bona fide oyster production for commercial purposes on such tidelands each year for the past five years or more immediately prior to the effective date of this 1976 act."

Representatives Matthews and Conner spoke in favor of the amendment, and Mr. Martinis spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment to Substitute House Bill No. 122 by Representatives Matthews, Conner and Hansey, and the amendment was not adopted by the following vote: Yeas, 30; nays, 57; not voting, 9.

Voting yea: Representatives Amen, Barnes, Berentson, Bond, Chandler, Conner, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Knowles, Kuehnle, Leckenby, Matthews, Nelson, Newhouse, Paris, Patterson, Polk, Schumaker, Whiteside, Wilson.

Voting nay: Representatives Adams, Bagnariol, Bauer, Becker, Bender, Blair, Boldt, Brown, Charnley, Clemente, Cochran, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Laughlin, Lee, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moreau, North, O'Brien, Parker, Peterson, Randall, Sawyer, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wojahn, Zimmerman.

Not voting: Representatives Bausch, Ceccarelli, Charette, Curtis, Jueling, Lysen, Moon, Pardini, Perry.

The Clerk read the following amendment by Representatives Matthews, Conner and Hansey:

On page 21, line 5 after "Nothing" insert "else"

With the consent of the House, Mr. Matthews withdrew the amendment.

Mr. Hansey moved adoption of the following amendment:

On page 30, line 22 strike all of section 40 and renumber the remaining sections consecutively.

Representatives Hansey and Matthews spoke in favor of the amendment, and Representatives Thompson and Martinis spoke against it.

The amendment was not adopted.

Mr. Hansey moved adoption of the following amendment by Representatives Hansey and Conner:

On page 33, following section 44, line 32 add a new section as follows:

"NEW SECTION. Sec. 45. The effective date of this 1976 amendatory act shall be April 1, 1977."

Mr. Hansey spoke in favor of the amendment, and Representatives Martinis and Charette spoke against it.

The amendment was not adopted.

Substitute House Bill No. 122 was passed to Committee on Rules for third reading.

HOUSE BILL NO. 676, by Representatives Conner, Kalich, Haussler, Laughlin, North, Fortson, Schumaker, Hansey, Wilson, Erickson, Jastad, Savage and Bond:

Providing exemptions to shoreline management requirements.

The bill was read the second time.

On motion of Mrs. Valle, Substitute House Bill No. 676 was substituted for House Bill No. 676, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 676 was read the second time.

Mr. Laughlin moved adoption of the following amendment:

On page 4, line 1 after "significant," strike "irreversible."

Mr. Laughlin spoke in favor of the amendment, and Representatives Boldt, Zimmerman and Douthwaite spoke against it.

Mr. Laughlin spoke again in favor of the amendment.

The amendment was not adopted.

The Clerk read the following amendment by Representative Laughlin:

On page 4 at the beginning of line 17 strike "irreversible"

With the consent of the House, Mr. Laughlin withdrew the amendment.

Substitute House Bill No. 676 was passed to Committee on Rules for third reading.

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.

The bill was read the second time.

MOTIONS

Mr. Thompson moved that further action on Substitute House Bill No. 1107 be deferred, and the bill be placed on the second reading calendar for the next working day.

On motion of Mr. Kuehnle, the motion by Mr. Thompson was amended, and Substitute House Bill No. 1107 was ordered placed at the top of tomorrow's second reading calendar.

The motion by Mr. Thompson as amended was carried.

HOUSE BILL NO. 1108, by Representatives King, Eikenberry, Perry, Conner, Pardini and Moon:

Prohibiting discrimination against commercial vehicle drivers because of age.

The bill was read the second time.

On motion of Mr. King, Substitute House Bill No. 1108 was substituted for House Bill No. 1108, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1108 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1310, by Representative Randall (by Department of Revenue request):

Repealing certain equalization of property valuation procedures.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1315, by Representatives Thompson and Amen:

Placing educational service districts on same holiday schedule as provided for public schools.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1330, by Representatives Fortson and Hawkins:

Amending procedures for contesting elections.

The bill was read the second time.

Committee on Constitution and Elections recommendation: Majority, do pass as amended. (For amendments, see Journal, Eighteenth Day, 2nd ex. sess., January 22, 1976.)

On motion of Mr. Hawkins, the committee amendments were adopted.

House Bill No. 1330 was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

Mr. Thompson moved that the Rules Committee be relieved of Engrossed House Bill No. 1330, and that it be placed on tomorrow's second reading calendar.

POINT OF PARLIAMENTARY INQUIRY

Mr. Curtis: "I guess I'm a little confused. I am wondering, a suspension of the rules would normally take twenty-four hours and the motion is for tomorrow. Since this has gone through second reading and is now in Rules III would it not take a suspension of the rules to put it on tomorrow's second reading calendar?"

With the consent of the House, Mr. Thompson withdrew the motion.

HOUSE BILL NO. 1336, by Representatives Nelson, Sommers, Ehlers, Bender, Leckenby, Hayner, Becker, Dunlap, Freeman and Polk:

Abolishing nonfunctioning advisory committees.

The bill was read the second time.

On motion of Ms. Sommers, Substitute House Bill No. 1336 was substituted for House Bill No. 1336, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1336 was read the second time.

Mr. Bauer moved adoption of the following amendment by Representatives Bauer, McKibbin, Laughlin and Zimmerman:

On page 5, beginning on line 32 strike all material down through line 5 on page 6 (all of sections 5 and 6)

Renumber the remaining sections consecutively.

Representatives Bauer, Parker, Zimmerman and Williams spoke in favor of the amendment, and Representatives Nelson, Sommers and Ehlers spoke against it.

Mr. Bauer spoke again in favor of the amendment, and Mr. Nelson spoke again in opposition to it.

ROLL CALL

The Clerk called the roll on adoption of the amendment to Substitute House Bill No. 1336 by Representatives Bauer, McKibbin, Laughlin and Zimmerman, and the amendment was adopted by the following vote: Yeas, 51; nays, 40; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Boldt, Charette, Clemente, Cochrane, Conner, Douthwaite, Eng, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hendricks, Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, North, O'Brien, Paris, Parker, Sawyer, Seeberger, Shipoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Barnes, Becker, Bender, Berentson, Blair, Bond, Brown, Chandler, Charnley, Curtis, Deccio, Dunlap, Ehlers, Erickson, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hurley G. S., Hurley M., Juelling, Kuehnle, Leckenby, Lee, Matthews, Moreau, Nelson, Newhouse, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Sommers, Whiteside, Wilson.

Not voting: Representatives Ceccarelli, Eikenberry, Lysen, Pardini, Perry.

MOTIONS

On motion of Mr. Thompson, further action on Substitute House Bill No. 1336 was deferred, and the bill was ordered held for tomorrow's second reading calendar.

On motion of Mr. Thompson, House Bill No. 1565 was rereferred from Committee on Social and Health Services to Committee on State Government.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Friday, January 30, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

TWENTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, January 30, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Deccio and Lysen, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lisa Farver and Kelly Bausch. Prayer was offered by the Reverend Paul Beeman of the First United Methodist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

REPORTS OF STANDING COMMITTEES

January 28, 1976

SECOND SUBSTITUTE HOUSE BILL NO. 93, Prime Sponsor: Representative Haussler, requiring uniform jail standards. Reported by Committee on Local Government.

MAJORITY recommendation: The third substitute bill be substituted therefor and that the third substitute bill do pass. Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Subcommittee Chairman; Kalich, Subcommittee Chairman; Laughlin, Subcommittee Chairman; Amen, Blair, Cochrane, Eng, Fischer, Paris, Smith (Edward).

To Committee on Rules for second reading.

January 28, 1976

HOUSE BILL NO. 455, Prime Sponsor: Representative Thompson, regulating the determination and use of marine fuel tax moneys. Reported by Committee on Ways and Means Revenue.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Bagnariol, Hawkins, Hurley (George), Kilbury, Nelson, Sommers, Williams.

To Committee on Rules for second reading.

January 29, 1976

HOUSE BILL NO. 1273, Prime Sponsor: Representative Adams, establishing a criterion for certification of death. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Judiciary.

January 28, 1976

HOUSE BILL NO. 1295, Prime Sponsor: Representative Sommers, adding new provisions to laws relating to archaeological resources. Reported by Committee on State Government.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hendricks, Hurley (Margaret), Nelson, Williams.

To Committee on Rules for second reading.

January 27, 1976

HOUSE BILL NO. 1296, Prime Sponsor: Representative Randall, exempting historical buildings and structures from sales tax. Reported by Committee on Ways and Means Revenue.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Eikenberry, Hawkins, Hurley (George), Hurley (Margaret), Kilbury, Pardini, Sommers, Williams.

To Committee on Rules for second reading.

January 29, 1976

HOUSE BILL NO. 1302, Prime Sponsor: Representative Bauer, establishing an aid program for victims of hemophilia. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means Appropriations.

January 29, 1976

HOUSE BILL NO. 1303, Prime Sponsor: Representative Parker, requiring transportation equipment to provide for reasonable access and by handicapped persons. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Transportation and Utilities.

January 28, 1976

HOUSE BILL NO. 1355, Prime Sponsor: Representative Sommers, implementing law relating to the state employees suggestion program. Reported by Committee on State Government.

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 27 strike "general" and insert "department of personnel service"

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hendricks, Hurley (Margaret), Nelson, Williams.

To Committee on Rules for second reading.

January 28, 1976

HOUSE BILL NO. 1396, Prime Sponsor: Representative Douthwaite, raising from \$500 to \$2,500 the amount of purchases the department of general administration may make without obtaining sealed bids. Reported by Committee on State Government.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17 after "price" insert "PROVIDED, That the director of general administration through the division of purchasing is authorized to reduce this formal sealed bid limit of two thousand five hundred dollars to a lower dollar amount, to include 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 efficiency and economy in purchasing and material control"

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hendricks, Hurley (Margaret), Nelson, Williams.

To Committee on Rules for second reading.

January 28, 1976

HOUSE BILL NO. 1402, Prime Sponsor: Representative Laughlin, revising regulations of diking, drainage, and other special districts. Reported by Committee on Local Government.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Subcommittee Chairman; Kalich, Subcommittee Chairman; Laughlin, Subcommittee Chairman; Amen, Berentson, Blair, Cochran, Eng, Fischer, Lee, Paris, Smith (Edward), Whiteside.

To Committee on Rules for second reading.

January 28, 1976

HOUSE BILL NO. 1417, Prime Sponsor: Representative Peterson, providing for child welfare services. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16 after "referrals of" insert "delinquent"

Signed by Representatives Adams, Chairman; Becker, Cochrane, Fischer, Fortson, Haley, Hendricks, Paris, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

January 28, 1976

HOUSE BILL NO. 1420, Prime Sponsor: Representative Fischer, expanding the work release program to include treatment. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 30 after "reformatory;" strike all material down to and including "county;" on page 2, line 3 and insert "~~((the Clallam Bay honor camp in Clallam county;))~~ the Larch Mountain honor camp in Clark County; ~~((the Washougal honor camp in Clark [Skamania] county; the Okanogan honor camp in Okanogan county;))"~~"

Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Becker, Cochrane, Fischer, Haley, Hanna, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

January 29, 1976

HOUSE BILL NO. 1440, Prime Sponsor: Representative Moreau, authorizing bond issue for capital projects at institutions of higher education. Reported by Committee on Higher Education.

MAJORITY recommendation: Do pass. Signed by Representatives Moreau, Vice Chairman; Bond, Charnley, Nelson, Patterson, Peterson.

To Committee on Rules for second reading.

January 29, 1976

HOUSE BILL NO. 1441, Prime Sponsor: Representative Charette, authorizing sale of bonds for capital projects for state community colleges. Reported by Committee on Higher Education.

MAJORITY recommendation: Do pass. Signed by Representatives Moreau, Vice Chairman; Bond, Charnley, Nelson, Patterson, Peterson.

To Committee on Rules for second reading.

January 28, 1976

HOUSE BILL NO. 1524, Prime Sponsor: Representative Sommers, pertaining to the veterans' compensation fund. Reported by Committee on State Government.

MAJORITY recommendation: Do pass with the following amendment:

On page 1 beginning on line 29 after "sums" strike all material down to and including "amount" on line 30 and insert "~~((received above that amount))~~ in excess of such balance"

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hendricks, Hurley (Margaret), Nelson, Williams.

To Committee on Rules for second reading.

January 29, 1976

HOUSE BILL NO. 1597, Prime Sponsor: Representative Cochrane, implementing law relating to waiver of fees in postsecondary educational institutions for senior citizens. Reported by Committee on Higher Education.

MAJORITY recommendation: Do pass. Signed by Representatives Maxie, Chairwoman; Moreau Vice Chairman; Bond, Charnley, Nelson, Patterson, Peterson, Wojahn.

To Committee on Rules for second reading.

SPEAKER PRO TEM'S PRIVILEGE

The Speaker Pro Tem recognized within the House Chamber, Senator Robert F. Brown from Oregon and requested Representatives Valle and Becker to escort him to the rostrum.

Senator Brown addressed the House briefly, and the Speaker Pro Tem requested the committee to escort him from the House Chamber.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business.

THIRD READING

POINT OF INFORMATION

Mr. Polk: "Last Friday, a week ago, Mr. Speaker, you replied on another point of information to Representative Pardini that we would get a copy of the draft budget in due time. Yesterday we were delivered on our desks a paper that has a heading on it from the Ways and Means Committee that talks about the preliminary budget that has been drafted and instructs us that if we want more information to contact Representatives McKibbin, Bausch, Shinpoch, Ehlers or Bagnariol. I was wondering if this was what you had in mind by giving us a copy of the budget?"

The Speaker Pro Tem: "This is really out of order. Representative Shinpoch, do you wish to reply to this?"

Mr. Shinpoch: "I decided the other day not to reply to Representative Pardini, but there is such a fundamental issue involved here that I thought that I should respond this time. Let me draw you an analogy. If Representative Polk or Representative Pardini were working on one of their bills and they were in the process of developing their thinking and applying it to a bill and one of the members of the House from the floor demanded that they be allowed to see a result of their thinking at this point—after all, they can think too, and they would like to help them develop their bill. I think that's contrary to everything we do here. I think that's contrary to the fundamentals of the matter in which Bill Drafting handles all of our bills. We are all entitled to develop our own thinking and that's sacred until such time at which it is submitted to this House. For anyone to want to do other than that—to demand upon the floor of this House to be allowed access to any member's thinking in the development of their bill, either from a subcommittee chairman or however it has been done, but to demand that they have access to that thinking prior to the time that it is signed and committed to this House, I think either shows a gross arrogance or ignorance or both."

Mr. Polk: "Mr. Speaker, you allowed this to be circulated to the desks yesterday and that is what my question is about. What Representative Shinpoch says makes good sense, in talking about an individual's right to legislation, but here we have something coming out from a committee that talks about the preliminary House draft. They weren't talking about the preliminary Shinpoch draft, or the preliminary Polk draft, they are talking about the preliminary House draft, and it seems to me that we should be entitled to such a preliminary House draft unless this is an incorrect piece of information that was sent to us. I'm not asking to open up Representative Shinpoch's head and find out what's in it, I'm just asking for a copy of whatever it is this paper is alluding to."

The Speaker Pro Tem: "We will take this up before the Rules Committee this afternoon."

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.

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

Ms. Sommers spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Sommers yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "I have some concern relative to the potential fiscal impact of this thing on local government. It would seem to me that we have here a potential for a lot of local governmental units very small in nature, to use as an example, a volunteer fire department, water district, cemetery district, this type of thing. I have seen examples of this before, where once upon a time we attempted or there was an effort to make available to those districts other types of insurance, self insurance, life insurance, and we found a number of instances where the directors of those districts were those who were going to benefit. You may have a five-man water district board with only one employee and it would border on constituting a real

rip-off to the taxpayer as far as I am concerned if you direct these major decisions to take on this kind of insurance. My question is, do you feel that this is a real possibility as a result of passage of Substitute House Bill No. 779?"

Ms. Sommers: "There may be a possibility of that. I would hope not. That would be a rip-off, in your words, but I would hope that perhaps the board could make some kind of insurance for that sort of thing. We tried to—or we did, I should say—respond to the concerns of the local jurisdictions and we modified the bill to give them the final word as to whether they would track or not. In other words, it was not to be, as was in the original draft of the bill, an employee decision, but an employer, or whatever authority, decision. Of course, the example that you described is somewhat different because you're assuming the possibility the legislative authority itself granting itself that condition. I think that would be a possibility under this bill; I also think it's somewhat of a fraud of the public and I hope that the commission would handle that kind of situation within its rules and regulations."

Mr. Kuehnle: "Which board are you talking about handling it by rules and regulations?"

Ms. Sommers: "The State Insurance Board has the authority to rule on the conditions that would be necessary on the contracts for the boards."

Mr. Kuehnle: "I would think, however, that the board under this language as written could not preclude that right of transfer where the local governing body has made the decision. I think you will recall for the past several years we have had several bills in Local Government Committee dealing with the same general area, and if I remember correctly, we put in a proviso whereby the directors themselves could qualify for this coverage only if they paid the entire cost of their insurance themselves with the single exception of liability insurance, which was a public district expense. I am very fearful that this piece of legislation will open the door to exactly the type of thing that we were trying to prevent before. Admittedly that isn't your intention, but there are some areas in which this is appropriate. I am fearful that we are opening the door to a whole lot of transfers for the benefit of the directors rather than the benefit of the employees because in many instances there really aren't any employees."

Ms. Sommers: "I would have supported you on some kind of amendment had you brought this out on second reading. I would suggest that we try to do that in the Senate."

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 779, and the bill passed House by the following vote: Yeas, 75; nays, 14; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, O'Brien, Paris, Parker, Patterson, Peterson, Polk, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bond, Chandler, Dunlap, Flanagan, Freeman, Gilleland, Hayner, Kuehnle, Matthews, Moon, North, Randall, Schumaker, Smith R.

Not voting: Representatives Ceccarelli, Deccio, Juelling, Lysen, Pardini, Perry, Tilly.

Substitute House Bill No. 779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 771, by Committee on Commerce (Originally sponsored by Representatives Newhouse and Bagnariol):

Making changes in the liquor laws relating to agents' licenses.

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

Mr. Warnke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 771, and the bill passed the House by the following vote: Yeas, 83; nays, 4; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G.

S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Parker, Patterson, Perry, Peterson, Polk, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Hayner, Matthews, Pardini, Paris.

Not voting: Representatives Ceccarelli, Deccio, Dunlap, Ehlers, Jueling, Lee, Lysen, Randall, Tilly.

Substitute House Bill No. 771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Please insert in the record that I wished to vote "Aye" on Substitute House Bill No. 771.
RON DUNLAP, 41st District.

MOTION

On motion of Mr. Thompson, the rules were suspended and Engrossed Substitute House Bill No. 378 was returned to second reading for the purpose of amendment.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 378, by Committee on State Government (Originally sponsored by Representatives Moon, Pardini, Jastad, May, Haussler, Thompson, Douthwaite, Paris and Ceccarelli):

Prescribing procedures for the collection, analysis, and reporting of statistical information on file by the state fire marshal.

The bill was read the second time.

POINT OF ORDER

Mr. Moon: "Could you tell me what the status of this bill is?"

The Speaker Pro Tem: "It's on second reading for the purpose of amendment."

Mr. Moon: "Rather than putting an amendment on the desk which would be a rather complicated procedure, I was going to explain to the membership what we wanted to do. These amendments are in your books right now. If necessary, Mr. Speaker, I will make the motion that the rules be suspended so that I can do this without submitting it on the desk."

POINT OF PARLIAMENTARY INQUIRY

Ms. Sommers: "Substitute House Bill No. 378 passed the House last session; it was amended in the Senate; it was returned to the House; we refused to concur in several of their amendments. The bill went to Conference Committee and there was no final decision made. When we adjourned, the bill still remained in conflict between the two Houses. Would you clarify for me what do we have before us? Do we have Substitute House Bill No. 378 without the Senate amendments as it passed the House, or do we have the bill as it was amended by the Senate?"

The Speaker Pro Tem: "Apparently the bill has to go back to the Senate; the Senate has to readopt the amendments. The bill will come back here again for either our concurrence or nonconcurrence. If we don't concur we will go into conference. What we would like to have done now is to have the bill returned to third reading and acted upon."

MOTION

Mr. Moon moved that the rules be suspended, and Engrossed Substitute House Bill No. 378 be returned to third reading and final passage.

Mr. Moon spoke in favor of the motion, and Mr. Curtis spoke against it.

The motion was lost.

Engrossed Substitute House Bill No. 378 was passed to Committee on Rules for third reading.

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.

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

Mr. Hansen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1394, and the bill passed the House by the following vote: Yeas, 90; nays, 0; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Becker, Ceccarelli, Deccio, Jueling, Lysen, Tilly.

Engrossed House Bill No. 1394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Thompson moved that the rules be suspended and Engrossed House Bill No. 671 be returned to second reading for the purpose of amendment.

Representatives Thompson and Randall spoke in favor of the motion, and Mr. Pardini spoke against it.

The motion was carried.

MOTION

On motion of Mr. Thompson, further action on Engrossed House Bill No. 671 was deferred, and the bill was ordered placed on the second reading calendar following Substitute House Bill No. 1107.

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 third time and placed on final passage.

POINT OF INQUIRY

Mr. Kuehnle yielded to question by Mr. Warnke.

Mr. Warnke: "Representative Kuehnle, I know that you are on the Gambling Commission and you are one of the legislators here who tends to follow the legislation very carefully. I wonder if there is any possibility of interpretation of any legislative intent surrounding the passage of Engrossed House Bill No. 70 that might relate in any way to the legislative attitude regarding wagering or betting on athletic events?"

Mr. Kuehnle: "I think it is important that this question be raised and that it be answered for the record. You will recall that yesterday I withdrew an amendment to House Bill No. 70 which would have reinserted the prohibition against gambling which was in effect, that portion of the language which would be repealed by the repealer of RCW 67.08.070. After checking this thing further, I find that RCW 9.46.020, the gambling statute, adequately prevents professional gambling on any types of athletic events. The provisions which have been repealed in Engrossed House Bill No. 70, RCW 67.08.070, actually went much further than the provisions of Title 9. If you and I as individuals wanted to place a wager on the outcome of the basketball game tonight, that would be legal and would be permitted under Title 9. On the other hand, however, if you and I as individuals wanted to place a wager on the outcome of a boxing or wrestling event tonight, that would have been prohibited under the provisions of RCW 67.08.070. I think that it is appropriate that this prohibition be repealed. Any concerns that we may have relative to opening up professional gambling should be set aside because Title 9 very adequately covers this subject. The repeal of RCW 67.08.070 in Engrossed House Bill No. 70 should in no way be interpreted as a liberalization of our gambling statutes as regards any form of professional gambling."

Representatives Warnke, Conner and Moon spoke in favor of passage of the bill, and Mr. Pardini spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 70, and the bill passed the House by the following vote: Yeas, 79; nays, 13; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn.

Voting nay: Representatives Amen, Bond, Chandler, Curtis, Hayner, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Zimmerman.

Not voting: Representatives Ceccarelli, Deccio, Jueling, Lysen.

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.

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 third time and placed on final passage.

Representatives Randall and Warnke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 90, and the bill passed the House by the following vote: Yeas, 89; nays, 2; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Douthwaite, Pardini.

Not voting: Representatives Ceccarelli, Deccio, Jueling, Lysen, Newhouse.

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.

SUBSTITUTE HOUSE BILL NO. 122, by Committee on Natural Resources (Originally sponsored by Representatives Martinis and Kilbury):

Revising the public lands management laws.

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

Mr. Martinis spoke in favor of the bill, and Mr. Matthews spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 122, and the bill passed the House by the following vote: Yeas, 65; nays, 27; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Chandler, Charnley, Clemente, Cochrane, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Peterson, Randall, Sawyer, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Berentson, Bond, Charette, Conner, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Hansey, Hayner, Hendricks, Kalich, Kuehnle, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Polk, Schumaker, Tilly, Whiteside, Wilson.

Not voting: Representatives Ceccarelli, Deccio, Jueling, Lysen.

Substitute House Bill No. 122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 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 third time and placed on final passage.

Representatives Valle, Zimmerman, Conner and Laughlin spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 676, and the bill passed the House by the following vote: Yeas, 91; nays, 0; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Ceccarelli, Deccio, Jastad, Jueling, Lysen.

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.

MOTION

Mr. Pardini moved that the House accept the resignation of Representative Sawyer and declare the office of Speaker of the House of Representatives vacant.

SPEAKER PRO TEM'S RULING

The Speaker Pro Tem: "That motion is out of order at this time. We are not on that order of business. On the eighth order of business, floor resolutions and motions, you may make your motion."

Mr. Pardini: "Previous rulings of the Chair have maintained that messages from the Senate, Governor and other elected officials are in order at any particular time. I submit to the Chair that the resignation of the Speaker of the House, Mr. Sawyer, comes within that category and my motion is in order and should be accepted at any time."

ENGROSSED HOUSE BILL NO. 1082, by Representative Hayner:

Designating Fort Walla Walla Park as a regional park.

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

Representatives Hayner and Hurley (Margaret) spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1082, and the bill passed the House by the following vote: Yeas, 90; nays, 0; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman,

Shinpoeh, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Ceccarelli, Deccio, Jueling, Kuehnle, Lysen, Patterson.

Engrossed House Bill No. 1082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 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.

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

MOTION

Mr. Pardini moved that the House advance to the eighth order of business.

Representatives Pardini, Peterson and Polk spoke in favor of the motion, and Representatives Thompson, Haussler, Hurley (George) and Moon spoke against it.

ROLL CALL

The Clerk called the roll on the motion by Mr. Pardini that the House advance to the eighth order of business, and the motion was lost by the following vote: Yeas, 33; nays, 59; not voting, 4.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Gaines, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Kuehnle, Lee, Matthews, Nelson, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G.S., Hurley M., Jastad, Jueling, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Parker, Perry, Randall, Sawyer, Seeberger, Sherman, Shinpoeh, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Ceccarelli, Deccio, Kalich, Lysen.

MOTIONS

On motion of Mr. Thompson, the House reverted to the sixth order of business.

SECOND READING

On motion of Mr. Thompson, Engrossed Substitute House Bill No. 1271 was placed on the second reading calendar for immediate consideration.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1271, by Committee on State Government (Originally sponsored by Representatives McKibbin, Hendricks, Sommers, Bender, Douthwaite and Kilbury):

Creating a state energy office.

The bill was read the second time.

Committee on Ways and Means - Appropriations recommendation: Majority, do pass as amended. (For amendment, see Journal, Twenty-fourth Day, 2nd ex. sess., January 28, 1976.)

On motion of Mr. Shinpoeh, the committee amendment was adopted.

Mr. Leckenby moved adoption of the following amendment:

On page 1, after the enacting clause strike the remainder of the bill and insert the following:

"NEW SECTION. Section 1. The department of commerce and economic development shall have the following duties in addition to any other duties prescribed by law:

(1) To serve as the official state agency responsible for coordination of energy-related activities;

(2) To be 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;

(3) To carry out 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 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 department of commerce and economic development shall advise such agencies and review the work performed pursuant to such designation by the governor;

(4) To develop and disseminate conservation plans for use by government, industry, and individual citizens;

(5) To prepare contingency plans for implementation by state government in the case of energy shortages or 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, studies, and direct staff representation;

(8) To represent 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 represent 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.

NEW SECTION. Sec. 2. (1) The director of the department of commerce and economic development may obtain all necessary information from energy resource producers, suppliers, and consumers doing business within the state of Washington and from political subdivisions in this state, as necessary to carry out this 1976 amendatory act. Such information may include but not be limited to:

- (a) Sales volume;
- (b) Forecasts of energy resource requirements;
- (c) Inventory of energy resources; and
- (d) Local distribution patterns of information under this subsection (1) (a), (b) and (c) of this section.

(2) In obtaining information under subsection (1) of this section, the director with the written consent of the governor may subpoena witnesses, material, and relevant books, papers, accounts, records, and memoranda pursuant to 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 resources.

(3) 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 1976 amendatory act, may apply to any superior court in the state for protection against abuse or hardship pursuant to superior court civil rule 26(c) relating to discovery procedures in civil cases.

NEW SECTION. Sec. 3. (1) Notwithstanding any other law, information furnished under section 2 of this 1976 amendatory act shall be confidential and maintained as such, if so requested by the person providing the information and the information meets one of the following requirements:

- (a) The information is proprietary in nature; or
- (b) The information consists of geological and geophysical information and data, including maps, concerning oil, gas, or geothermal resource wells.

(2) Nothing in this section shall prohibit the use of confidential information to prepare statistics or other general data for publication, so presented as to prevent identification of particular persons.

NEW SECTION. Sec. 4. (1) In addition to any penalties provided under subsection (2) of this section, a person who discloses confidential information in violation of section 3 of this 1976 amendatory act, wilfully or with criminal negligence as defined by RCW 9A.08.010, may be subject, notwithstanding any other law, to removal from office or immediate dismissal from public employment.

(2) Violation of section 3 of this 1976 amendatory act is punishable, upon conviction, by a fine of not more than one thousand dollars for each offense.

NEW SECTION. Sec. 5. (1) All state officers and agencies shall cooperate fully with the department of commerce and economic development to carry out the purposes of this chapter.

(2) All agencies shall consider the policies and findings stated in this chapter in adopting or modifying their rules and policies.

(3) All agencies shall review their rules and policies to determine their consistency with the policies and findings stated in this chapter.

(4) (a) By January 1, 1977, each state agency shall submit to the department of commerce and economic development a report that identifies the rules and policies of the agency that are consistent and

inconsistent with the policies and findings stated in this chapter and that indicates the reasons for the inconsistencies. This report shall be submitted in such form as the director may require.

(b) As used in this subsection, "state agency" means any state board, commission, department, or division thereof, or officer authorized by law to make rules or to issue orders, except those in the legislative and judicial branches.

Sec. 6. 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 are each amended to read as follows:

The department of commerce and economic development shall be organized into divisions, including (1) the industrial development division, (2) the tourist promotion division, (3) the research division, (4) ~~((the nuclear energy development division, to be known as the "office of nuclear energy development,"))~~ the energy division to be known as the "office of energy," (5) the foreign trade division, to be known as the "office of foreign trade," and others as required.

The director of commerce and economic development may appoint such division supervisors, managers, or executive directors, and clerical supervisors and other assistants as may be necessary for the general administration of the department.

Sec. 7. Section 3, chapter 10, Laws of 1965 and RCW 43.31.290 are each amended to read as follows:

The department of commerce and economic development through the appropriate division, in order to foster the state's economic growth, shall encourage, promote, and cooperate in the development of the use of nuclear energy for peaceful and productive purposes, and shall coordinate all nuclear development activities engaged in by state agencies and departments. The director shall appoint personnel with sufficient scientific and administrative qualifications to further these purposes and to perform the duties and exercise the powers of the department in this regard. The person appointed as supervisor or manager of the energy division ~~((of nuclear energy development))~~ shall be known as the executive director of the office of ~~((nuclear energy development))~~ energy.

Sec. 8. Section 5, chapter 10, Laws of 1965 and RCW 43.31.360 are each amended to read as follows:

The director of the department of commerce and economic development through the division of ~~((nuclear energy development))~~ energy, known as the office of ~~((nuclear energy development))~~ energy, 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))~~ implementation of the energy policies of this state. 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))~~ implementation of the energy policies of the state.

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.

(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. 9. Section 4, chapter 207, Laws of 1961 as amended by section 4, chapter 10, Laws of 1965 and RCW 70.98.040 are each amended to read as follows:

The department of commerce and economic development through the energy division (~~of nuclear energy development~~), known as the office of (~~nuclear~~) energy (~~development~~), is hereby designated as the agency of state government for the promotion and development of nuclear energy in this state and shall, in addition to the powers and duties otherwise imposed by law, have the following general powers and duties:

(1) To advise the governor and the legislature with regard to the status of nuclear energy research, development, and education, and to make recommendations to the governor and the legislature designed to assure increasing progress in this field within the state.

(2) To advise and assist the governor and the legislature in developing and promoting a state policy for nuclear energy research, development, and education.

(3) To sponsor or conduct studies, collect and disseminate information, and issue periodic reports with regard to nuclear energy research, development, and education and proposals for further progress in the field of nuclear energy, and the power to acquire land and facilities for such purposes is specifically delegated to the department.

(4) To foster and support research and education relating to nuclear energy through contracts or other appropriate means of assistance.

(5) To gather, maintain, and disseminate available information concerning appropriate sites throughout the state and the advantages of locating nuclear energy industries within the state.

(6) To keep the public informed with respect to nuclear energy development within the state and the activities of the state relating thereto.

NEW SECTION. Sec. 10. 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. 11. Sections 1 through 6 of this 1976 amendatory act are each added to chapter 43.31 RCW.

NEW SECTION. Sec. 12. 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."

Representatives Leckenby, Haley and Flanagan spoke in favor of the amendment, and Representatives Sommers, Perry and McKibbin spoke against it.

POINT OF ORDER

Mr. Newhouse: "The speaker is unduly castigating one of the members of the body. He has put up an amendment, well considered and in good faith and Mr. McKibbin is calling it improper. I think that's inconsiderate and should not be permitted on the floor of this House."

The Speaker Pro Tem: "I don't know whether Mr. McKibbin was deliberately impugning Mr. Leckenby's amendment or not; he was just making reference to Representative Leckenby's amendment. All speakers should try to avoid bringing in personalities when answering, and should avoid using individual members' names."

Mr. McKibbin continued his remarks in opposition to the amendment.

Mr. Conner demanded the previous question, and the demand was not sustained.

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "I believe we have adopted an amendment by the Committee on Ways and Means and according to the last speaker there is no appropriation with the amendment. If Mr. Leckenby's amendment carries, does it strike the amendment by Ways and Means or is that also in with the Leckenby amendment?"

The Speaker Pro Tem: "The amendment by Representative Leckenby would strike everything, the bill and the material in the committee amendment."

Mr. Patterson spoke against adoption of the amendment.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "Should we not consider the amendment suggested by Representative Patterson before the striking amendment we are now considering?"

The Speaker Pro Tem: "Yes, that's true, but Representative Patterson didn't bring his amendment to the desk until after the striking amendment had been read."

Representatives Leckenby and Bond spoke in favor of adoption of the amendment, and Mr. Hendricks spoke against it.

The amendment by Representative Leckenby was not adopted.

MOTION

Mr. Patterson moved that the rules be suspended to allow consideration of an amendment by him.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "Is it necessary to suspend the rules to consider Representative Patterson's amendment?"

The Speaker Pro Tem: "Reed's rules state that once the body has decided not to strike a paragraph or section that paragraph or section is intact and the body remains clean and should be kept in that manner. Therefore, the amendment by Representative Patterson should not be considered after the amendment to strike."

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and allow the consideration of an amendment by Representative Patterson to Engrossed Substitute House Bill No. 1271, and the motion received the necessary two-thirds majority by the following vote: Yeas, 80; nays, 5; not voting, 11.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charnley, Clemente, Cochrane, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland; Greengo, Hanna, Hansen, Hansey, Haussler, Hayner, Hurley G. S., Hurley M., Jastad, Kilbury, King, Kuehnle, Laughlin, Leckenby, Lux, Martinis, Maxie, McCormick, McKibbin, Moon, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Charette, Conner, Hendricks, May, Moreau.

Not voting: Representatives Ceccarelli, Deccio, Haley, Hawkins, Juelling, Kalich, Knowles, Lee, Lysen, Matthews, Sawyer.

Mr. Patterson moved adoption of the following amendment:

On page 4, line 30 after "research" strike "by the direct use of its staff and other resources"

Mr. Patterson spoke in favor of the amendment, and Ms. Sommers spoke against it.

POINT OF INQUIRY

Mr. Patterson yielded to question by Mr. Douthwaite.

Mr. Douthwaite: "In the Transportation and Utilities Committee we had some talks by Dr. Henry Romer, who, as you know, is extremely useful to all of us in that committee. Would you feel that your amendment would bar research being done by Dr. Romer?"

Mr. Patterson: "I certainly do not. This is merely to tell them where their measure of research would be carried on. I think when you say in so many words and give the power and authority to the staff to carry on research I think that is exactly what they will do. I question very much whether they will utilize the institutional expertise that is available to them with other public bodies when they have that research capability. I can't see that Dr. Romer, as now employed, wouldn't have the capability of doing research on his own as a staff member. There is nothing in there that says he can't."

Mr. Blair spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Patterson yielded to question by Mr. Chandler.

Mr. Chandler: "Representative Sommers said in her remarks that she was concerned that we might lose federal funds for research in the energy field. You are familiar with higher education and that type of grant. It says in section 6(1) that the office should contract with institutions of higher learning. Wouldn't it follow then that if there were federal funds available for this type of research the energy office could then contract with one of the institutions of higher learning to have that accomplished?"

Mr. Patterson: "You are absolutely right. They do have that function now and receive substantial federal funds through work of members of their faculties working up contracts and grants and awards that come primarily from federal funds. I think it was recently reported in the paper that the University of Washington, for example, leads the nation in the securing of grant funds for research purposes. I am suggesting that it would be very simple for the energy office that is being created by this act, when an offer is made from the federal government, for example, to carry on research, the energy office would enter into a contract with one of the institutions to do the research. It is very common; it is something that goes on every day."

Mr. Brown spoke against the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Patterson to Engrossed Substitute House Bill No. 1271, and the amendment was not adopted by the following vote: Yeas, 37; nays, 52; not voting, 7.

Voting yea: Representatives Amen, Barnes, Blair, Bond, Chandler, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Hansen, Hansey, Hayner, Jastad, Jueling, Kalich, Kuehnle, Leckenby, Lee, McCormick, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Polk, Sawyer, Schumaker, Tilly, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Brown, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Kilbury, King, Knowles, Laughlin, Lux, Martinis, Maxie, May, McKibbin, Moon, Moreau, North, O'Brien, Perry, Peterson, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke.

Not voting: Representatives Berentson, Ceccarelli, Deccio, Haley, Lysen, Matthews, Smith R.

On motion of Mr. Shinpoch, the committee amendment to the title was adopted.

The bill was ordered reengrossed.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Reengrossed Substitute House Bill No. 1271 was placed on final passage.

Mr. McKibbin spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 1271, and the bill passed the House by the following vote: Yeas, 71; nays, 19; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Parker, Patterson, Perry, Peterson, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Valle, Warnke, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Bond, Curtis, Flanagan, Freeman, Gilleland, Hansey, Hayner, Hurley M., Kuehnle, Leckenby, Paris, Polk, Schumaker, Sommers, Tilly, Whiteside, Williams, Wilson.

Not voting: Representatives Berentson, Ceccarelli, Deccio, Haley, Lysen, Matthews.

Reengrossed Substitute House Bill No. 1271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Thompson, the House recessed until 1:45 p.m.

AFTERNOON SESSION

The House was called to order at 1:45 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Deccio and Lysen, who were excused.

MOTION

Mr. Thompson moved that the House advance to the eleventh order of business.

Mr. Newhouse spoke against the motion.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Saturday, January 31, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

TWENTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Saturday, January 31, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Adams, Ceccarelli, Jueling, Kalich, Perry, Sawyer, Seeberger and Whiteside, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jennie Crosier and Brian Beerman. Prayer was offered by the Reverend Paul Beeman of the First United Methodist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

January 30, 1976

Mr. Speaker: -

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 2130,
 ENGROSSED SENATE BILL NO. 2989,
 SENATE BILL NO. 3033,
 ENGROSSED SENATE BILL NO. 3148,
 SUBSTITUTE SENATE BILL NO. 3233,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST 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.

To Committee on Ecology

ENGROSSED SENATE BILL NO. 2989, by Senators Beck, Wilson and Guess:

Making changes in the laws relating to election schedules.

To Committee on Constitution and Elections

SENATE BILL NO. 3033, by Senators Day, Matson and Goltz:

Deleting mutual corporations of hospitals insuring against liability from definition of "insurer."

To Committee on Judiciary

ENGROSSED SENATE BILL NO. 3148, by Senators Henry, Morrison and Beck:

Authorizing the sale and issuance of state highway construction bonds.

To Committee on Transportation and Utilities

SUBSTITUTE SENATE BILL NO. 3233, by Select Committee on Medical Malpractice (Originally sponsored by Senator Woody):

Providing for liability insurance for the University of Washington against certain claims.

To Committee on Judiciary

REPORTS OF STANDING COMMITTEES

January 29, 1976

HOUSE BILL NO. 1314, Prime Sponsor: Representative Bauer, 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 amendment:

On page 1, beginning on line 24 after "respect to" strike all the material down to and including "regulation" on line 25 and insert "pupils as prescribed by state ~~((and))~~ statutory ~~((local))~~ law, and local school district ~~((rule))~~ rules and ~~((regulation))~~ regulations"

Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Bender, Boldt, Dunlap, Ehlers, Fortson, Haley, Hendricks, Valle, Whiteside.

To Committee on Rules for second reading.

January 30, 1976

HOUSE BILL NO. 1355, Prime Sponsor: Representative Sommers, implementing law relating to the state employee suggestion program. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Ways and Means Appropriations.

January 30, 1976

HOUSE BILL NO. 1366, Prime Sponsor: Representative North, preserving Mount Si. Reported by Committee on Parks and Recreation.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Hurley (Margaret), Chairwoman; Lee, North, Paris, Peterson, Smith (Edward).

To Committee on Rules for second reading.

January 29, 1976

HOUSE BILL NO. 1418, Prime Sponsor: Representative Bauer, redefining crime relating to loitering about public schools. Reported by Committee on Education.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 11 after "(1)" strike all the material down to and including "district" on line 21 and insert:

"It shall be unlawful for any person to wilfully disobey the order of the chief administrative officer of a public school district or a private school which conducts any portion of a preschool through secondary program, 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 or the private school, 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 the private school, or any lawful task, function, process or procedure of any student, official, employee or inviter of the school district or the private school"

Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Bender, Brown, Dunlap, Ehlers, Eng, Fortson, Haley, Hayner, Hendricks, Valle, Whiteside.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business.

THIRD READING

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.

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

Representatives King and Eikenberry spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1108, and the bill passed the House by the following vote: Yeas, 76; nays, 4; not voting, 16.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio,

Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, King, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Freeman, Gilleland, Matthews, Polk.

Not voting: Representatives Adams, Bond, Ceccarelli, Eng, Flanagan, Fortson, Juelling, Kalich, Knowles, Lee, Parker, Perry, Sawyer, Seeberger, Tilly, Whiteside.

Substitute House Bill No. 1108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

Enacting new gift tax law.

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

Mr. Randall spoke in favor of passage of the bill, and Mr. Hurley (George) spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1123, and the bill passed the House by the following vote: Yeas, 80; nays, 2; not voting, 14.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Polk, Randall, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Hurley G. S., Schumaker.

Not voting: Representatives Adams, Ceccarelli, Eng, Fortson, Juelling, Kalich, Lee, Parker, Perry, Sawyer, Seeberger, Smith R., Tilly, Whiteside.

Engrossed House Bill No. 1123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1258, by Representatives Kilbury, Haussler and Amen:

Defining horses, mules, and donkeys as "agricultural products."

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

Mr. Kilbury spoke in favor of the bill, and Mr. Eikenberry spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1258, and the bill passed the House by the following vote: Yeas, 68; nays, 16; not voting, 12.

Voting yea: Representatives Amen, Barnes, Bauer, Becker, Bender, Berentson, Boldt, Bond, Brown, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Freeman, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Jastad, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Pardini, Patterson, Peterson, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Williams, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bausch, Blair, Chandler, Gaines, Gallagher, Hendricks, Hurley M., Kuehnle, Leckenby, Matthews, Nelson, Paris, Polk, Warnke, Wojahn.

Not voting: Representatives Adams, Ceccarelli, Eng, Fortson, Juelling, Kalich, Lee, Parker, Perry, Sawyer, Seeberger, Whiteside.

House Bill No. 1258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

This is to record that my vote on House Bill No. 1258 should have been recorded as "No" but through an oversight on my part it was recorded as "Yes."

KEN EIKENBERRY, 36th District.

HOUSE BILL NO. 1310, by Representative Randall (by Department of Revenue request):

Repealing certain equalization of property valuation procedures.

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

Mr. Randall spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1310, and the bill passed the House by the following vote: Yeas, 82; nays, 1; not voting, 13.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wilson, Zimmerman.

Voting nay: Representative Wojahn.

Not voting: Representatives Adams, Ceccarelli, Eng, Fortson, Juelling, Kalich, Kuehnle, Lee, Parker, Perry, Sawyer, Seeberger, Whiteside.

House Bill No. 1310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1311, by Representative Randall (by Department of Revenue request):

Removing department of revenue mandatory audit requirement of the work of county assessors.

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

Mr. Randall spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1311, and the bill passed the House by the following vote: Yeas, 80; nays, 2; not voting, 14.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Freeman, Gaines, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wilson, Zimmerman.

Voting nay: Representatives Gallagher, Wojahn.

Not voting: Representatives Adams, Blair, Ceccarelli, Eng, Fortson, Gaspard, Juelling, Kalich, Lee, Parker, Perry, Sawyer, Seeberger, Whiteside.

House Bill No. 1311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1315, by Representatives Thompson and Amen:

Placing educational service districts on same holiday schedule as provided for public schools.

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

Mr. Thompson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1315, and the bill passed the House by the following vote: Yeas, 83; nays, 1; not voting, 12.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, King, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Gallagher.

Not voting: Representatives Adams, Ceccarelli, Fortson, Jueling, Kalich, Knowles, Lee, Parker, Perry, Sawyer, Seeberger, Whiteside.

House Bill No. 1315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 1330, by Representatives Fortson and Hawkins:

Amending procedures for contesting elections.

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

MOTION

On motion of Mr. Thompson, the rules were suspended, and Engrossed House Bill No. 1330 was returned to second reading for the purpose of amendment.

The bill was read the second time.

On motion of Mr. Hawkins the following amendment by Representative Fortson was adopted:

On page 2, line 32 after "amended" insert "": PROVIDED FURTHER, That the provisions of this subsection shall not apply to state legislative contests"

Engrossed House Bill No. 1330 was ordered reengrossed.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Reengrossed House Bill No. 1330 was placed on final passage.

Mr. Hawkins spoke in favor of passage of the bill, and Mr. Newhouse spoke against it.

POINT OF INQUIRY

Mr. Hawkins yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "This amendment went by so quickly I didn't get to the book to find out what it was doing. I would appreciate further explanation as to why state legislative contests are exempt from the provisions of section 2. I can't off-hand see any logic associated with exempting state legislative contests."

Mr. Hawkins: "It is my understanding that the Constitution provides that both houses of the legislature can, if they choose, supersede the results of an election. We do seat our own members.

Mr. Kuehnle: "Does this then prevent a challenge on the part of the public in general relative to the qualifications of an elected candidate who is removed by the public and the right to challenge the results of a legislative race?"

Mr. Hawkins: "This only applies to the consideration of residency; it does not apply to any other challenges."

Representatives Pardini and Brown spoke in opposition to the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 1330, and the bill failed to pass the House by the following vote: Yeas, 40; nays, 45; not voting, 11.

Voting yea: Representatives Bagnariol, Barnes, Bauer, Bausch, Becker, Boldt, Charette, Clemente, Cochrane, Conner, Douthwaite, Erickson, Fischer, Gaines, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley M., Jastad, Kilbury, King, Knowles, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, North, O'Brien, Randall, Shinpoch, Smith E. P., Smith R., Warnke, Williams, Wojahn.

Voting nay: Representatives Amen, Bender, Berentson, Blair, Bond, Brown, Chandler, Charnley, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Flanagan, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley G. S., Kuehnle, Laughlin, Leckenby, Lysen, Matthews, Moreau, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Sherman, Sommers, Thompson, Tilly, Valle, Wilson, Zimmerman.

Not voting: Representatives Adams, Ceccarelli, Fortson, Jueling, Kalich, Lee, Parker, Perry, Sawyer, Seeberger, Whiteside.

Reengrossed House Bill No. 1330, having failed to received the constitutional majority, was declared lost.

ENGROSSED HOUSE BILL NO. 1340, by Representative Smith (Rick):

Making lesser traffic law violations noncriminal offenses.

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

Mr. Smith (Rick) spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1340, and the bill passed the House by the following vote: Yeas, 81; nays, 4; not voting, 11.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Charette, Gallagher, Tilly, Wilson.

Not voting: Representatives Adams, Ceccarelli, Fortson, Juelling, Kalich, Lee, Parker, Perry, Sawyer, Seeberger, Whiteside.

Engrossed House Bill No. 1340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 1341, by Representative Smith (Rick):

Revising probate laws.

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

Representatives Smith (Rick) and Eikenberry spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1341, and the bill passed the House by the following vote: Yeas, 83; nays, 2; not voting, 11.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Gallagher, Tilly.

Not voting: Representatives Adams, Ceccarelli, Fortson, Juelling, Kalich, Lee, Parker, Perry, Sawyer, Seeberger, Whiteside.

Engrossed House Bill No. 1341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1382, by Representatives Hansen and Leckenby:

Making technical corrections for the implementation of staggered vehicle registration periods.

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

Mr. Hansen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1382, and the bill passed the House by the following vote: Yeas, 79; nays, 5; not voting, 12.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wilson, Wojahn.

Voting nay: Representatives Cochrane, Hawkins, Kuehnle, Moon, Zimmerman.

Not voting: Representatives Adams, Ceccarelli, Haussler, Juelling, Kalich, Lee, Parker, Perry, Polk, Sawyer, Seeberger, Whiteside.

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.

ENGROSSED 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 third time and placed on final passage.

Mr. Boldt spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Randall.

Mr. Randall: "In the amendment we adopted the other day, it said acquisition shall be subject to voter approval. Does this mean that if the district had sold some property, has the money in the building fund to a certain level and wishes to acquire additional property with those funds, by mandate do they have to get voter approval or can they make that decision themselves?"

Mr. Bauer: "Currently, if they have money from proceeds from sale of property, they can retire bonds and they can improve real property. We are adding the acquisition and improvement of unimproved real property. The problem is, and the reason for the floor amendment was, that if a district sold a million dollars worth of property and had those dollars available to them and did not need those for the current authorization for use (that is to improve existing property or retire bonds) they would have available dollars to them that they could not generate state matching dollars for if they wanted to build a building, but at the same time they would have dollars available to them to build a building without voter approval. So what we are saying here is that if they do get proceeds from the sale of property and they do want to put them into new buildings, they shall be required to have voter approval for that building and that voter approval then will trigger off their entitlement to the state matching dollars for that purpose."

Mr. Randall: "I had anticipated that answer and I'm more confused now about the amendment that we put on because we have said here, 'PROVIDED FURTHER, That the acquisition of improved or unimproved real property . . . will require voter approval.' If you read it differently than I do tell me, but that's what it says. I just can't go along with that. They would have to be able to pick up a piece of property that they may need and they wouldn't have time to go for voter approval. I think we have tied them into a position we don't want them to be in."

Mr. Bauer: "Currently when a district floats a bond issue for the purpose of purchasing unimproved property, land for future sites, or for sites anticipated for building, it is a match that they are seeking, and thereby for two purposes we are requiring voter approval—for the location of that building or the desirability of building that building. You see, when a district determines to build a building and buys land in advance, I think that's a determination of the intentions of that school district, that they should be able to determine whether they want a building in that particular location. That's inherent in this whole business of approval, in addition to qualifying for the state matching dollar."

POINT OF INQUIRY

Mr. Bauer yielded to question by Mrs. Hayner.

Mrs. Hayner: "Nothing in the law requires school districts to receive from the people voter approval of a specific location, because I happen to have been involved in the school board when we were in litigation for five years on that very point. I think that it would be undesirable to include that because everybody in the district seems to have a different idea about where a building should be located and school districts take a great deal of time making determinations and doing research on that very thing. The bond law was to do two things: It required that you get voter approval for construction and it also provided for money, but I agree with Representative Randall that what we have done here is tighten up and do exactly what we do not want to do, because in the event you sell property which is no longer useful to the school district and, assuming that it would be under \$35,000, because if it were over \$35,000 you already have to have voter approval—assuming you acquire a piece of property for \$10,000, then want to put on a building for say, \$25,000 (perhaps it would be a

building to take care of your P.E. program, to house some track equipment or that sort of thing where you would not get matching funds from the state) you would under this amendment, as I read it, be prohibited from doing it. I think that's very bad and it really cuts down on the options of the school district and I don't think this is what this bill should do."

Mr. Bauer: "Yes, that is the correct assessment. On the building itself, we were trying to permit school districts to use those proceeds from sales to buy unimproved property. Then, on the other hand in the amendment, we have required them to have voter approval. I would suggest that we hold this over until we can get that qualified. If there's a problem we might have to go back to second reading to take care of it. It is a legitimate request and I think we should correct it."

POINT OF PARLIAMENTARY INQUIRY

Mr. Shinpoch: "Are we now discussing whether the bill should be held over or are we discussing the merits of the bill?"

The Speaker Pro Tem: "Well, we were discussing the merits of the bill and Representative Bauer has suggested that it be held over. A motion would be required."

Representatives Shinpoch and Boldt spoke in favor of passage of the bill, and Mrs. Hayner spoke against it.

MOTION

On motion of Mr. Thompson, further consideration of Engrossed House Bill No. 1404 was deferred, and the bill was ordered held for Monday's third reading calendar.

ENGROSSED HOUSE JOINT RESOLUTION NO. 64, by Representatives Haussler and Lee:

Establishing alternate methods for the framing of county "Home Rule" charters.

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

Mr. Haussler spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Resolution No. 64, and the resolution passed the House by the following vote: Yeas, 81; nays, 6; not voting, 9.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Conner, Eikenberry, Flanagan, Greengo, Kuehnle, Matthews.

Not voting: Representatives Adams, Ceccarelli, Juelling, Kalich, Parker, Perry, Sawyer, Seeberger, Whiteside.

Engrossed House Joint Resolution No. 64, having received the constitutional two-thirds majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 378, by Committee on State Government (Originally sponsored by Representatives Moon, Pardini, Jastad, May, Haussler, Thompson, Douthwaite, Paris and Ceccarelli):

Prescribing procedures for the collection, analysis and reporting of statistical information on file by the state fire marshal.

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

Representatives Moon, Ehlers and Laughlin spoke in favor of passage of the bill, and Representatives Kuehnle, Hansen and Zimmerman spoke against it.

Mr. Newhouse demanded the previous question and the demand was sustained.

Mr. Moon closed debate, speaking again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 378, and the bill passed the House by the following vote: Yeas, 50; nays, 36; not voting, 10.

Voting yea: Representatives Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fischer, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Jastad, Kilbury, King, Laughlin, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, O'Brien, Pardini, Parker, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Valle, Warnke, Wojahn.

Voting nay: Representatives Amen, Berentson, Blair, Bond, Brown, Deccio, Dunlap, Eikenberry, Eng, Flanagan, Fortson, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hurley M., Knowles, Kuehne, Leckenby, Lysen, McKibbin, Newhouse, North, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Tilly, Williams, Wilson, Zimmerman.

Not voting: Representatives Adams, Ceccarelli, Curtis, Jueling, Kalich, Perry, Sawyer, Seeberger, Sommers, Whiteside.

Engrossed Substitute House Bill No. 378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 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 third time and placed on final passage.

Mr. Pardini spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 739, and the bill passed the House by the following vote: Yeas, 86; nays, 0; not voting, 10.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Adams, Ceccarelli, Jueling, Kalich, McKibbin, Perry, Sawyer, Seeberger, Whiteside, Williams.

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.

NOTICE OF RECONSIDERATION

Mr. Thompson, having voted on the prevailing side, served notice that he would, on the next working day, move for reconsideration of the vote by which Reengrossed House Bill No. 1330 failed to pass the House.

MOTION

On motion of Mr. Thompson, House Bill No. 1642 was rereferred from Committee on Constitution and Elections to Committee on Local Government.

RESOLUTION

HOUSE RESOLUTION NO. 76-66 by Representatives Maxie, Moreau and Charnley:

WHEREAS, The Washington State House of Representatives' Committee on Higher Education has been requested, through House Floor Resolution 1975-40, to investigate use of services and activities fees on the state's college campuses to determine if they are operated consistent with legislative intent; and

WHEREAS, The Washington State House of Representatives' Committee on Higher Education's Subcommittee on Services and Activities Fees has acted in accord with House Floor Resolution 1975-40; and

WHEREAS, The Subcommittee on Services and Activities Fees has determined, through testimony from representatives of student associations and from representatives of boards of

trustees that a question does exist as to the operation of the fees on some of the campuses; and

WHEREAS, These questions should be resolved through legislative action only as a last resort; and

WHEREAS, The community college system is separate and apart from the state college and university system; and

WHEREAS, The State Board for Community College Education, students and college representatives drafted the State Board for Community College Education's guidelines which appear to be in conformance with chapter 28B.15 RCW and consistent with the original intent of the law;

THEREFORE, BE IT RESOLVED, That it is the sense of the House of Representatives that the community college district boards adopt the State Board for Community College Education's guidelines regarding services and activities fees;

BE IT FURTHER RESOLVED, That the State Board for Community College Education submit a progress report on district conformance to State Board for Community College Education's guidelines to the Washington State House of Representatives by January 1977;

BE IT FURTHER RESOLVED, That the Washington State House of Representatives directs that the regents of the state colleges and universities adopt procedures encompassing the spirit of the guidelines presently promulgated by the State Board for Community College Education where applicable. These guidelines provide for adequate student input on budgeting and expenditures of services and activities fees and defines those programs and activities for which revenues generated from these fees may be expended;

BE IT FURTHER RESOLVED, That the Council for Postsecondary Education submit a progress report on institutional conformance with this Resolution no later than January 1977; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House shall send copies of this Resolution to such interested persons as the House Committee on Higher Education shall determine.

Ms. Maxie moved adoption of the resolution.

Mr. Nelson moved adoption of the following amendment:

On page 2, line 4 after "the" insert "trustees and"

MOTION

Mr. Newhouse moved that the resolution be rereferred to Committee on Higher Education.

Mr. Newhouse spoke in favor of the motion, and Ms. Maxie spoke against it.

ROLL CALL

The Clerk called the roll on the motion to rerefer House Resolution No. 76-66 to Committee on Higher Education, and the motion was lost by the following vote: Yeas, 40; nays, 46; not voting, 10.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hendricks, Jastad, Kuehne, Leckenby, Lee, Lux, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Smith E. P., Tilly, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hawkins, Hurley G. S., Hurley M., Kilbury, King, Knowles, Laughlin, Lysen, Martinis, Maxie, May, McCormick, Moon, Moreau, North, O'Brien, Parker, Randall, Sherman, Shinpoch, Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Adams, Becker, Ceccarelli, Jueling, Kalich, McKibbin, Perry, Sawyer, Seberger, Whiteside.

The amendment by Representative Nelson was adopted.

On motion of Mr. Nelson, the following amendment was adopted:

On page 2, line 5 after "procedures" strike everything down to and including "provide" on line 8.

The Speaker Pro Tem stated the question before the House to be House Floor Resolution No. 76-66 as amended.

Representatives Maxie and Pardini spoke in favor of the resolution, and it was adopted.

HOUSE RESOLUTION NO. 76-67, by Representative Gallagher:

TO THE HONORABLE GERALD R. FORD, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

We, the House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, A grave national economic emergency exists due to the spiralling collapse of the long-term liquidity of major categories of debt holdings of both leading U.S. financial institutions and the international monetary system; and

WHEREAS, Appropriate alternative means to effect full economic recovery are immediately accessible to the nation on the condition that the scientific, industrial and agricultural potentials of the nation are matched to the industrial and agricultural development opportunities of developing nations in cooperation with other industrialized countries including the Comecon sector; and

WHEREAS, The inherent consequence of attempting to salvage the preponderance of existing international and national debt structures by resort to general austerity is to weaken the nation's productive forces and to thus shrink the income producing base of the economy; and

WHEREAS, Despite the aggravated depletion and spreading obsolescence rampant throughout the nation's underinvested industrial and related facilities the soundness of the nation's productive capacities will assert itself as the dominant reality provided that bankrupt financial structures are promptly cut away; and

WHEREAS, The present trends for aggravated depletion of productive capacities and for weakening of the labor force warn us that unless the debriement of diseased financial structures is accomplished during the immediate period continued austerity looting will result in early massive and long-lasting damage to even the possibility of future economic recovery; and

WHEREAS, Provided that (i) the bankrupt financial structures are cut away, and (ii) that new, alternative institutions of international and national credit are immediately established, the world market for U.S. produced industrial and agricultural exports is sufficient to require full employment of the nation's labor force and to make possible substantial renewal and augmentation of the productive capacities; and

WHEREAS, The impediments from among other nations to establishing such international agreements are minimal since leading forces of the developing sector, of the EEC, of the Comecon sector and of other nations are in fact urging the United States to participate in the establishment of a "new world economic order" of the appropriate essential features;

NOW, THEREFORE, We respectfully pray that the Congress of the United States enact the following emergency measures to ensure full employment of the nation's labor force under conditions of economic recovery:

(1) Undertake to cause and direct orderly bankruptcy measures affecting major categories of national and international debt holdings.

(2) Replace existing, bankrupted financial institutions with new institutions of national and international credit, while maintaining the incomes of those dependent on such bankrupt pension funds, insurance companies, etc. for essential levels of income.

(3) Maintain the necessary service role of banking institutions (credit for payrolls, for capital maintenance and improvement, depositors' services for government, business, and individuals, etc.).

(4) Consolidate unemployment compensation, welfare assistance, pension payments and national medical services assistance under an Emergency Social Security Agency under the Department of Labor, suspending the Department of Health, Education and Welfare for the duration of the emergency.

(5) Maintain all accredited medical institutions under the agency guided by the principle that it is less costly to provide services as determined by professional medical personnel than to incur the massive cost of nonessential bureaucracies in a fee-paid system.

(6) Maintain the consolidation of all federal, state and local public assistance under the agency out of the general revenue guided by the principle that the assimilation of growing numbers of the formerly hard-core unemployed into regular, full-time skilled and semi-skilled employment and not labor-intensive "public works" programs, is the only remedy for the "cancer of lumpenization in the nation."

(7) Establish measures of direct price controls for the duration of the emergency, aimed at squeezing out of existing price-structures those margins which are attributable to burdens

of the categories of indebtedness being cut away from the current operations of the national economy.

(8) Repeal the "Employment Act of 1946" as a precondition to the treaty agreements essential to the nation's economic recovery from depression.

(9) Declare as the basis of U.S. foreign policy the principle of increasing the nation's trade in raw materials and industrial commodities, with emphasis on capital goods export, as well as cooperation agreements with other nations on trade, credit, research, etc.

(10) Declare as the basis of national economic development the most rapid development of the U.S. as an industrial power, fostering a shift in the composition of the labor force away from unskilled labor-intensive and wasteful administrative practices toward increased proportions of skilled operatives, engineers, and scientists.

(11) Charge the Department of Commerce with developing improved clerical and other administrative procedures and practices which simplify routine and otherwise contribute to a higher ratio of operatives and necessary professionals in the labor force as a whole.

(12) Order the wasteful porkbarrel popularly known as "Project Independence" immediately terminated. Develop short-term national energy supplies policies in negotiations for an equitable distribution of the globe's existing energy resources.

(13) Promote as intermediate to long-term national energy policy the development of controlled thermonuclear reactions technology in full cooperation with other nations. Within the nation itself, instruct the Energy Research and Development Administration to expand its support of research activities into the basic physics of all plasma regimes.

(14) Establish as the ruling principle of the nation's Labor Force Policy the provision of improved opportunities and conditions of employment, leisure, and essential social services which foster rising standards of living and substantial advances in the cognitive powers of the population.

(15) Take no action which causes or fosters the employment of persons under real incomes or working conditions which are poorer than those prevailing as the best modes in the largest manufacturing, mining, transportation and other firms on or before August 31, 1971.

(16) Declare to be felonies such employer practices as forced drug maintenance programs, forced behavior modification programs, harassment and surveillance of employees because of political or trade-union activity.

(17) Authorize such special projects of construction in development of urban areas, in rail transport and mass transit which both counteract cyclical unemployment and benefit the development of the nation and its labor force.

(18) Prohibit the use of federal revenues by agencies of the federal government or by state and local governments receiving federal assistance for projects of a predominately "make work" purpose and result.

BE IT RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives 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 to each member of Congress from the State of Washington.

MOTION

Mr. Newhouse moved that the resolution be rereferred to Committee on Labor.

Mr. Douthwaite spoke in opposition to the motion.

The motion carried.

MOTIONS

On motion of Mr. Thompson, House Bill No. 1488 was rereferred from Committee on Education to Committee on Ways and Means - Revenue.

On motion of Mr. Thompson, the House reverted to the sixth order of business.

SECOND READING

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.

The House resumed consideration of the bill on second reading. (For previous action, see Journal for January 22 and 23, 1976.)

Mr. Kuehnle moved adoption of the following amendment:

Beginning on page 5, line 27 and ending on line 2 of page 6 strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. There is added to chapter 66.24 RCW a new section to read as follows:

Pursuant to rules and regulations promulgated by the board, holders of Class H master licenses issued under provisions of RCW 66.24.420 (1)(e) and (f) shall dispense and sell liquor in paper cups, soft plastic cups or other similar containers when consumption is to be on the premises, but beyond the immediate areas of the licensed place where the said liquor is dispensed and sold: PROVIDED, That such liquor may be carried by the purchaser for consumption elsewhere on the premises only: PROVIDED, FURTHER, That for the purpose of this section, the licensed premises shall be restricted to the area within the confines of the respective publicly owned civic center or race track."

Representatives Kuehnle and Warnke spoke in favor of the amendment, and Mrs. Hayner spoke against it.

POINT OF PARLIAMENTARY INQUIRY

Mr. Chandler: "I believe that Representative Hayner has voiced a legitimate concern and one that I share; however would it not be the effect of voting against this amendment to leave in the bill the original language which was rather unrestrictive about sales of alcoholic beverages not only at civic centers but at race tracks? Perhaps if we are to consider her view it should be done on an amendment which would simply strike that language."

The Speaker Pro Tem: "The question probably could be answered best by Representative Kuehnle."

Mr. Kuehnle: "I think that it's a policy decision of the House as regards whether the people should be permitted to carry the drinks out into the stands. I don't have any strong feelings on that one way or the other. I am not trying to override the laws. The only thing I would suggest is that the language of this amendment screws this thing down a whole lot tighter than it was in the original bill. If indeed a majority of the members of the House think that the drinks should not be carried out into the stands then they should vote down my amendment but then they should follow through and strike the language contained on the last page—page 6, lines 1 and 2, because if my amendment fails then the bill as it would stand would permit the hawking of beer and wine in the stands at race tracks. I think it's a policy decision and a decision that should be made on its merits on the floor of the House. I think as far as my amendment is concerned, vote yes if you want to permit people to carry their drinks in paper cups out in the seating area; if you do not want drinking out in the seating area, you vote no. If a majority votes no, then we'll immediately follow through with an amendment to strike that other language which then would totally prohibit the extension of drinking beyond the bar area that is licensed."

MOTION

Mr. Chandler moved that further action on Substitute House Bill No. 1107 be deferred and that the bill be placed on the second reading calendar immediately following House Joint Resolution No. 15.

Mr. Kuehnle spoke against the motion.

With the consent of the House, Mr. Chandler withdrew the motion.

The Speaker Pro Tem stated the question before the House to be the amendment to page 5 by Representative Kuehnle.

Mr. Paris spoke against adoption of the amendment.

POINT OF INQUIRY

Mr. Kuehnle yielded to question by Mr. Chandler.

Mr. Chandler: "Representative Kuehnle, in the last line of your amendment it refers to 'within the confines of the respective publicly owned civic center or race track.' Would 'publicly owned civic center' include such facilities as the Seattle Opera House, the Playhouse and other such facilities where performances of the Nutcracker Suite and other things appealing to children are being conducted?"

Mr. Kuehnle: "In my opinion the answer is yes."

Mr. Warnke: "In my opinion, if I can answer that question, the answer is no. Simply because we are not changing the RCW's relative to the issuance of a license. The board still

has control and must make sure that all of the requirements of holding a license and issuing a license must be held by that licensee before the license is granted. They still must have food facilities available, they still must go through the requirements of that situation, so the Liquor Control Board still has the authority to, first of all, even grant the license to wherever that facility is going to be. I'm just in direct conflict with Mr. Kuehnle's answer. I think the answer is no."

Mr. Kuehnle concurred in Representative Warnke's remarks.

POINT OF INQUIRY

Mr. Warnke yielded to question by Mrs. Hurley (Margaret):

Mrs. Hurley (Margaret): "Now I am confused, Representative Warnke. I attended a presentation by the Seattle Repertory Theater recently and there was a bar type place on the second floor and no serving of food. How did this happen then?"

Mr. Warnke: "I am not familiar with that particular situation, Mrs. Hurley. The only thing I am trying to think about is what licensing they would come under. They may have been licensed to have a satellite bar or they have been within the confines where they served food. Then there is the availability of a satellite restaurant or a satellite bar facility. I think this may be under the new license requirements where they could possibly do this, but I'm not familiar with that issue."

POINT OF INQUIRY

Mr. Warnke yielded to question by Mr. Pardini.

Mr. Pardini: "The amendment deals basically with hawking, and taking paper cups and soft plastic cups into the seating areas. Just the other day there was a newspaper article that said the Liquor Control Board has approved this and they were talking about a ten-year concession agreement—there was \$750,000 involved in it—approved by the Liquor Control Board. This was two or three days ago and I'm wondering why we even have the subject before us, or is the Liquor Control Board acting beyond their authority? I'm really confused on it."

Mr. Warnke: "When the bill first came into our committee, the Liquor Control Board testified that they do have the authority to promulgate rules and regulations concerning the hawking of beer or liquors in the—I suppose in this case you are speaking of the Domed Stadium in Seattle. We simply have tried to put into the statutes the control of what rules and regulations the Board can write at this point. You are right, the Liquor Control Board has already released, and it was in the paper two days ago, that it is under their jurisdiction to allow facilities to hawk beer and wine. That issue is simply not even involved in this anymore, whether it is the authorizing of it. They have already authorized it. We are simply trying to tighten it now by this amendment of what type of container, how it's handled, whether they can walk into the stands and sell it or whether you must buy it and carry it in yourself. I think the issue is getting confused."

Mrs. Hayner spoke again in opposition to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Kuehnle to page 5 of Substitute House Bill No. 1107, and the amendment was adopted by the following vote: Yeas, 64; nays, 18; not voting, 14.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bausch, Becker, Bender, Blair, Bond, Brown, Charette, Charnley, Clemente, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Haussler, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, May, McCormick, Moreau, Nelson, Newhouse, O'Brien, Pardini, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Williams.

Voting nay: Representatives Boldt, Chandler, Cochrane, Eng, Fortson, Haley, Hansey, Hawkins, Hayner, Hendricks, Lee, Matthews, Maxie, North, Paris, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Adams, Bauer, Berentson, Ceccarelli, Deccio, Flanagan, Jueling, Kalich, McKibbin, Moon, Perry, Sawyer, Seeberger, Whiteside.

Mr. Kuehnle moved adoption of the following amendments:

On page 4, line 11 strike "((places))" and insert "places"

On page 4, line 12 strike "areas"

On page 4, line 30 strike "areas" and insert "places"

Representatives Kuehnle and Warnke spoke in favor of the amendments, and they were adopted.

On motion of Mr. Kuehnle, the following amendments were adopted:

On page 4, line 12 after "premises" strike "at the discretion of the board (and)" and insert "((at the discretion of the board and)) in accordance with rules and regulations promulgated by the board pursuant to chapter 34.04 RCW"

On page 4, beginning on line 30 after "premises" strike "at the discretion of the board" and insert "in accordance with rules and regulations promulgated by the board pursuant to chapter 34.04 RCW"

On motion of Mr. Kuehnle, the following amendment was adopted:

On page 6, beginning on line 3 add a new section as follows:

"NEW SECTION. Sec. 4. 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 money 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 the remaining section consecutively.

The Clerk read the following amendment by Representatives Bond and Tilly:

On page 2, line 27 after "and 66.24.210," add a new subsection as follows:

"(9) It shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of any college, university, or community college supported in whole or in part by state funds, except to the extent liquor may be served but not sold under banquet permits issued pursuant to RCW 66.24.490."

POINT OF ORDER

Mr. Peterson: "Is this amendment within the scope and object of the bill?"

SPEAKER PRO TEM'S RULING

The Speaker Pro Tem: "It appears from Rule 33, the interpretation of germaneness, that an amendment must be germane to the subject matter. The amendment by Representatives Bond and Tilly appears to be an entirely different subject matter from what we are considering at the present time, relative to issuing of licenses and the authority of the Washington State Liquor Control Board. The amendment by Representatives Bond and Tilly pertains to selling liquor at colleges. The amendment is not germane to the subject and I am going to rule it out of order."

POINT OF PARLIAMENTARY INQUIRY

Mr. Tilly: "I would like you to permit me to say that this amendment we offered is very similar to language that this legislature passed in 1975 and it does affect the Liquor Control Board because they are the ones that make the decisions and grant the licenses. I recall at the time that there was a license application at Eastern Washington State College and because the legislature had passed language like Mr. Bond and I have offered the board turned down that request. That's the reason we have offered the amendment. Subsequent to that the Governor vetoed this language in Senate Bill No. 2423 that we had amended in 1975, so the purposes of

this amendment are once again to reaffirm what the policy of this state would be on the sale of liquor on the college and university campuses in the state. We believe that it is germane."

The Speaker Pro Tem: "Apparently we have a difference of opinion."

MOTION FOR RECONSIDERATION

Mr. Pardini, having voted on the prevailing side, moved that the House do now reconsider the vote by which the amendment to page 5 by Representative Kuehnle was adopted.

Representatives Pardini and Eikenberry spoke in favor of the motion, and Mr. Warnke spoke against it.

ROLL CALL

The Clerk called the roll on the motion for reconsideration of the vote by which the Kuehnle amendment to page 5 of Substitute House Bill No. 1107 was adopted, and the motion lost by the following vote: Yeas, 32; nays, 44; not voting, 20.

Voting yea: Representatives Amen, Barnes, Berentson, Bond, Brown, Chandler, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Knowles, Kuehnle, Leckenby, Lee, Matthews, McCormick, Moon, Pardini, Paris, Peterson, Schumaker, Tilly, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bagnariol, Bender, Blair, Boldt, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, King, Laughlin, Lux, Lysen, Martinis, May, McKibbin, Moreau, Nelson, North, O'Brien, Parker, Randall, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Not voting: Representatives Adams, Bauer, Bausch, Becker, Ceccarelli, Charette, Deccio, Gilleland, Hanna, Jueling, Kalich, Maxie, Newhouse, Patterson, Perry, Polk, Sawyer, Seeberger, Sherman, Whiteside.

MOTION

Mr. Bond moved that the rules be suspended to allow consideration of the amendment by Representatives Bond and Tilly to page 2.

POINT OF ORDER

Mr. Douthwaite: "The Chair had already ruled a few minutes ago that the amendment was in violation of Rule 33. It seems to me the motion to reconsider would be in effect a vote to deny the ruling of the Chair. If that's the motion Mr. Bond wishes to make I think he should make it that way."

The Speaker Pro Tem: "It appears that if someone wants to suspend one of our rules for consideration of an amendment— I will place the motion."

POINT OF PARLIAMENTARY INQUIRY

Mr. Bond: "I felt that we had lost the ability to question rulings of the Chair due to the time lapse. Would we still have that option now?"

The Speaker Pro Tem: "You already have one motion pending. It's your decision."

Mr. Bond spoke in favor of the motion to suspend the rules to consider the Bond/Tilly amendment.

The motion was lost.

On motion of Mr. Kuehnle, the following amendments to the title were adopted:

On lines 6 and 7 of the title strike "amending section 1, chapter 65, Laws of 1974 ex. sess. and RCW 66.24.455;" and insert "adding a new section to chapter 66.24 RCW;"

On line 7 of the title after "RCW 66.24.455;" and before "and providing" 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;"

Substitute House Bill No. 1107 was ordered engrossed and passed to Committee on Rules for third reading. The Speaker Pro Tem called on Mr. Conner to preside.

ENGROSSED HOUSE BILL NO. 671, by Representatives Sommers and Randall:

Modifying timber tax revenue distribution dates.

The bill was read the second time.

On motion of Mr. Randall, the following amendments by Representatives Randall and Sommers were adopted:

On page 1, after the enacting clause strike the remainder of the bill and insert:

"Section 1. 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 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between October 1, 1972 and September 30, 1973 inclusive, the rate shall be one and three-tenths percent;

(b) For timber harvested between October 1, 1973 and September 30, 1974 inclusive, the rate shall be two and nine-tenths percent and between October 1, 1974 and December 31, 1978, inclusive, six and one-half percent.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services fells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) (~~On or before July 1, 1972 and as necessary thereafter,;~~) The department of revenue shall designate areas containing timber having similar growing and marketing conditions to be used as units for the preparation and application of stumpage values. (~~Before September 1, 1972 for use during the fourth quarter of 1972 and all of 1973, and before December 1 of each year commencing with 1973, for use during the succeeding year~~) Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. (~~If, on or before April 1 of any year commencing with 1975, the department shall determine that the stumpage value index as of January 1 of such year is greater or smaller, by ten percent or more, than the stumpage value index as of July 1 of the preceding year it shall, in the same manner prescribed for annual stumpage value determinations, prepare revised tables setting forth stumpage values. Such revised tables shall be applicable to timber harvested between July 1 and December 31 of such year, inclusive. The term stumpage value index as of any date shall mean a weighted average price of state and federal timber sales for all species during the twelve months prior to such date, such weighting to be based upon the actual volumes of the several species or subclassifications of timber harvested during the four most recent calendar quarters for which such information is available from tax returns filed by harvesters. Such index and the procedures to be followed in calculating it shall be further defined in regulations to be prepared by the department of revenue and reviewed by the ways and means committees of the house and senate prior to promulgation by the department.~~) Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax fund A and a state timber tax fund B, separate and apart from the state general fund. The revenues from the tax imposed by subsection (1) of this section shall be deposited in state timber tax fund A and state timber tax fund B as follows:

YEAR OF COLLECTION	FUND A	FUND B
1973 through 1978	100%	0%
1979	75%	25%
1980	50%	50%
1981	25%	75%
1982 and thereafter	0%	100%

(6) In addition to the rates specified in subsection (1) of this section, there shall be imposed upon such persons a surtax at a rate of .5% of the stumpage value of timber as specified in such subsection (1) upon timber harvested between October 1, 1972 and September 30, 1974 inclusive. The revenues from such surtax shall be deposited in a separate fund designated the state timber reserve fund, which is hereby created in the state treasury separate and apart from the state general fund. Such surtax shall be reimposed for one year upon timber harvested in any calendar year following any fourth quarter during which transfers from such reserve fund pursuant to subsection (3) of RCW 84.33.080 reduce the balance in such fund to less than five hundred thousand dollars, and in no event shall such surtax be imposed in any year after 1980.

(7) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(8) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.04.490 shall not apply to the taxes imposed by this section.

(9) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

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."

On line 1 of the title, after "taxation;" strike the remainder of the title and insert "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."

Engrossed House Bill No. 671 was ordered reengrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Reengrossed House Bill No. 671 was placed on final passage.

Mr. Randall spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 671, and the bill passed the House by the following vote: Yeas, 81; nays, 0; not voting, 15.

Voting yea: Representatives Amen, Bagnariol, Barnes, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Adams, Bauer, Bausch, Ceccarelli, Charette, Haley, Hawkins, Jueling, Kalich, McKibbin, Perry, Sawyer, Seeberger, Warnke, Whiteside.

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.

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.

The bill was read the second time.

Mr. Nelson moved adoption of the following amendments by Representatives Nelson, Sommers, McKibbin, Ehlers, Bender, Hendricks and Hurlley (Margaret):

On page 3, line 1 after "The" insert "barber hearing board, the cosmetology hearing board, the"

On page 3, after line 22 insert two additional subsections as follows:

"(2) All records of the barber hearing board shall be transferred to the barber examining committee.

(3) All records of the cosmetology hearing board shall be transferred to the cosmetology examining committee."

Renumber the subsections following consecutively, and correct the internal references accordingly.

On page 6, after line 5 insert additional sections as follows:

"Sec. 7. Section 5, chapter 101, Laws of 1957 as amended by section 20, chapter 223, Laws of 1967 and RCW 18.15.140 are each amended to read as follows:

((A hearing board is hereby established for the purpose of hearing)) The examining committee shall hear all charges of violations of any of the provisions of this chapter. ((The hearing board shall consist of three members to be appointed by the governor in the following manner: Two members, who meet the same requirements as members of the board of examiners, and one member unaffiliated with the barber profession. The first term shall be: One for six years, one for four years, and one for two years; thereafter, the terms shall be for six years and until a successor is appointed and qualified. The governor shall fill any vacancy within ninety days after it occurs by an appointment for the remainder of the unexpired term.

The hearing board shall select one of its members as its chairman and meetings shall be held as often as shall be deemed necessary to perform its duties. All members shall be present before business may be transacted.

Each member of the board shall receive as compensation for this attendance at hearings or other proper meetings twenty-five dollars for each day or part day in attendance, and shall be reimbursed for necessary travel expenses incurred in the performance of duties.)

The director of ((licenses)) motor vehicles shall exercise direct supervision over the ((hearing board)) examining committee, and the ((board)) committee shall file a report to the director immediately after each session, outlining the action taken ((by said board)).

Before any license is revoked, or suspended, or any fines levied, the ((licentiate must)) licensee shall be given notice in writing of the charge or charges against him. At a day specified in said notice, at least twenty days after the service thereof, ((he must)) the licensee shall be afforded a fair hearing by the ((hearing board)) committee, and given full opportunity to produce testimony in his behalf and to confront the witnesses against him. Such charges shall be verified with the oath of the person making same, and a copy thereof shall be served in the manner provided by law for service of summons in civil actions.

The hearing shall be conducted by the ((hearing board)) examining committee at a date, time, and place as designated by the director. The ((hearing board)) committee shall be the sole judge of the charge or charges and the evidence produced, and the decision of any ((two)) three members of the ((board)) committee shall be the decision of the ((board)) committee. If the charges are sustained in the judgment of the ((board)) committee, it may direct the revocation or suspension of such license, or a fine, or both as provided by this law.

The director of ((licenses)) motor vehicles is hereby granted the right of subpoena to require the attendance of witnesses and the production of pertinent records; such witnesses shall be entitled to fees and mileage as provided by law.

Any person feeling himself aggrieved by the fine, revocation, or suspension under this chapter, shall have the right to appeal from the decision of the ((hearing board)) examining committee to the superior court of the county in which he maintains his place of business.

Sec. 8. Section 16, chapter 215, Laws of 1937 as amended by section 15, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.230 are each amended to read as follows:

(1) Before any license shall be revoked or the penalties herein provided be imposed, the holder thereof shall have a written notice of the charge or charges brought against him, and a hearing had thereon not less than twenty days after the service of such notice. Such charges, which shall be filed with the director who shall refer them to the ((board)) examining committee, shall be verified with the oath of the person making the same, and a copy thereof shall be served upon the holder of the license with a notice, which notice shall be served in the manner provided by law for service of summons in civil actions. The director of ((licenses)) motor vehicles is hereby granted the right of subpoena to require the attendance of witnesses and the production of pertinent records, such witnesses shall be entitled to fees and mileage as provided by chapter 2.40 RCW. Such hearing shall be public and the holder of such license shall be given an opportunity to produce evidence in his behalf and to confront the witnesses produced against him. The hearings shall be conducted by the ((hearing board)) examining committee, in the county or an adjacent county, where the accused conducts his business. The ((board)) examining committee shall be the sole judge of the charges and the evidence produced, and the decision of any ((two)) three members of the ((board)) committee shall be the decision of the ((board)) committee. If the charges are sustained in the judgment of the ((board)) committee, the ((board)) committee may direct the revocation of such license, or that such holder may be barred from exercising any rights or privileges under said license for any term not exceeding one year;

(2) Any person feeling himself aggrieved by the refusal of the director to issue any license provided for in this chapter, or renew the same, or by the revocation or suspension of any license issued under the provisions of this chapter, shall have the right to appeal from the decision of the ((board)) committee to the superior court of the county in which he maintains his place of business."

Renumber the sections following consecutively, and correct internal references accordingly.

On page 13, after line 17 insert a new subsection to read as follows:

"(1) Section 14, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.251;"

Renumber the remaining subsections consecutively.

Mr. Nelson spoke in favor of the amendments.

POINT OF INQUIRY

Mr. Nelson yielded to question by Mr. Parker.

Mr. Parker: "In the Social and Health Services Committee we have been looking over some of the licensing acts of the various medical professions and the allied health professionals. We have found that the Supreme Court had ruled in a case that you couldn't be the examining board, the licensing board and the judicial board all wrapped in one. Apparently what you are doing here is eliminating and bringing that all together. Is that what you are doing in these amendments?"

Mr. Nelson: "We are bringing them all together; that's absolutely right and there's no prohibition against doing this at all. Many of the professional-type boards are now going in this direction. We have a couple of bills that were introduced this year where you will see the actual registration and/or examining board combined with the functions of hearing any complaints as well. The interesting thing about this is that you do really get, in the case of one body like this, a group that stays up to date with all of the provisions of providing the licenses through their examinations and they are well aware of all the problems that might come before them from complaints. We are not deviating, nor have I ever heard that they can't have one body be both the examining board as well as the hearing board. I want to point out because of the problem we got into the other day about the standing committees of Social and Health Services that this bill is dealing with those particular commissions, boards and councils that are administered through the Department of Motor Vehicles."

The amendments were adopted.

Mr. Leckenby moved adoption of the following amendments by Representatives Leckenby and Hendricks:

On page 3, line 6 after "radiation," strike "the governor's advisory committee on vendor rates,"

On page 4, line 7 after "council" strike "and the governor's advisory council on vendor rates"

On page 14, following line 7 strike all material down to and including "74.32.180;" on line 25

Renumber the remaining subsections consecutively.

Representatives Leckenby and Hendricks spoke in favor of the amendments, and Representatives Nelson and Sommers spoke against them.

The amendments were not adopted.

On motion of Mr. Bauer, the following amendment to the title by Representatives Bauer, McKibbin, Laughlin and Zimmerman was adopted:

On page 1, beginning on line 16 of the title after "RCW;" strike all material down to and including "RCW;" on line 18

On motion of Ms. Sommers, the following amendments to the title by Representative Nelson were adopted:

On page 1, in line 1 of the title, after "government;" insert "amending section 5, chapter 101, Laws of 1957 as amended by section 20, chapter 223, Laws of 1967 and RCW 18.15.140; amending section 16, chapter 215, Laws of 1937 as amended by section 15, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.230;"

On page 1, in line 18 of the title, after "sections;" insert "repealing section 14, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.251;"

Substitute House Bill No. 1336 was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. Thompson, the House adjourned until 11:30 a.m., Monday, February 2, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

 TWENTY-NINTH DAY

 MORNING SESSION

House Chamber, Olympia, Wash., Monday, February 2, 1976.

The House was called to order at 11:30 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Becker, Ceccarelli and Sawyer. Representative Ceccarelli was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jill Newhouse and Steve Lewis. Prayer was offered by the Reverend Lester G. Olsen of the Gloria Dei Lutheran Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

REPORTS OF STANDING COMMITTEES

January 29, 1976

HOUSE BILL NO. 250, Prime Sponsor: Representative Conner, changing certain school holidays to conform with state holidays. Reported by Committee on Education.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Bender, Boldt, Dunlap, Ehlers, Eng, Fortson, Haley, Hendricks, Valle, Whiteside.

To Committee on Rules for second reading.

January 30, 1976

HOUSE BILL NO. 1269, Prime Sponsor: Representative Sommers, modifying timber tax administration procedure. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Bagnariol, Brown, Hawkins, Kilbury, Moon, Nelson, Sommers.

To Committee on Rules for second reading.

January 30, 1976

HOUSE BILL NO. 1300, Prime Sponsor: Representative Randall, exempting improvements on historically significant structures from property taxation. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Brown, Hawkins, Hurley (George), Hurley (Margaret), Kilbury, Moreau, Sommers, Williams.

To Committee on Rules for second reading.

January 31, 1976

HOUSE BILL NO. 1612, Prime Sponsor: Representative Valle, authorizing local governments to adopt certain rules by reference. Reported by Committee on Ecology.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Valle, Chairwoman; Becker, Vice Chairwoman; Bauer, Chandler, Charnley, Douthwaite, Hansen, Hawkins, Lux.

To Committee on Rules for second reading.

January 31, 1976

HOUSE BILL NO. 1470, Prime Sponsor: Representative Knowles, making changes in the laws relating to civil actions as such actions relate to medical malpractice. Reported by Committee on Judiciary.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Knowles, Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner, Maxie, Newhouse, Patterson, Sherman.

To Committee on Rules for second reading.

February 2, 1976

HOUSE BILL NO. 1491, Prime Sponsor: Representative Deccio, prohibiting the use of foreign beef and mutton in state institutions. Reported by Committee on Agriculture.

MAJORITY recommendation: Do Pass. Signed by Representatives Kilbury, Chairman; Boldt, Deccio, Erickson, Flanagan, Hansen, Hansey, Haussler, Laughlin, Schumaker, Tilly.

To Committee on Rules for second reading.

January 31, 1976

HOUSE BILL NO. 1544, Prime Sponsor: Representative Ceccarelli, revising laws relating to insurance, reported by Committee on Financial Institutions.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Fischer, Vice Chairman; Bagnariol, Blair, Leckenby, Lux, Moon, Pardini.

To Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 1337, by Representatives Sommers and Moon:

Allowing the state fire marshal access to state criminal records.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and House Bill No. 1337 was placed on final passage.

Ms. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1337, and the bill passed the House by the following vote: Yeas, 62; nays, 18; not voting, 16.

Voting yea: Representatives Bagnariol, Bausch, Bender, Blair, Boldt, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Hansen, Hansey, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, May, McCormick, McKibbin, Moreau, Nelson, North, O'Brien, Pardini, Paris, Parker, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson.

Voting nay: Representatives Amen, Barnes, Berentson, Bond, Curtis, Dunlap, Eikenberry, Flanagan, Gilleland, Haley, Hayner, Juelling, Kuehnle, Matthews, Newhouse, Patterson, Schumaker, Zimmerman.

Not voting: Representatives Adams, Bauer, Becker, Ceccarelli, Deccio, Freeman, Hanna, Hendricks, Leckenby, Lee, Maxie, Moon, Perry, Polk, Sawyer, Wojahn.

House Bill No. 1337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 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.

Committee on State Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Eighteenth Day, 2nd ex. sess., January 22, 1976.)

On motion of Ms. Sommers, the committee amendments were adopted.

House Bill No. 1376 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1376 was placed on final passage.

Mr. Blair spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1376, and the bill passed the House by the following vote: Yeas, 88; nays, 0; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Jueling, Kaich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Mathews, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Becker, Ceccarelli, Freeman, Hendricks, Lee, Maxie, Patterson, Perry.

Engrossed House Bill No. 1376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1434, by Representatives Hansen and Gilleland:

Relating to outdoor advertising.

The bill was read the second time.

On motion of Mr. Hansen, the following amendment by Representatives Hansen and Hansey was adopted:

On page 2, line 11 add a new section to read as follows:

"Sec. 2. 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 are each amended to read as follows:

(1) Not more than one type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity;

(2) A type 3 sign, other than one along any portion of the primary system within an incorporated city or town or within any commercial or industrial area, permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(a) One hundred fifty feet measured along the edge of the protected highway from the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from the main building of the advertised activity; or

(c) Fifty feet from a regularly used parking lot maintained by and contiguous to the advertised activity.

(3) In addition to signs permitted by subsections (1) and (2) of this section, the commission may adopt regulations permitting one type 3 sign visible to traffic proceeding in any one direction on an interstate, primary or scenic system highway on premises which, on the effective date of this 1976 amendatory act, are used wholly or in part as an operating business, farm, ranch or orchard which sign bears only the name of the business, farm, ranch or orchard and a directional arrow or short directional message. Regulations adopted under this subsection shall prohibit the erection or maintenance of such type 3 signs on narrow strips of land a substantial distance from but connected with a business, farm, ranch or orchard. Signs permitted under this subsection shall not exceed fifty square feet in area.

(4) ~~((3))~~ The commission with advice from the parks and recreation commission shall adopt specifications for a uniform system of official tourist facility directional signs to be used on the scenic system highways. Official directional signs shall be posted by the commission to inform motorists of types of tourist and recreational facilities available off the scenic system which are accessible by way of public or private roads intersecting scenic system highways."

House Bill No. 1434 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1434 was placed on final passage.

Mr. Hansen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1434, and the bill passed the House by the following vote: Yeas, 87; nays, 2; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S.,

Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Charette, Moon.

Not voting: Representatives Becker, Ceccarelli, Freeman, Lee, Perry, Sommers, Wilson.

Engrossed House Bill No. 1434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT RESOLUTION NO. 63, by Representatives Haussler and Lee:

Amending county "Home Rule" authority.

The resolution was read the second time.

On motion of Mrs. Erickson, the following amendment by Representatives Erickson, Gaspard and Hanna was adopted:

On page 3, beginning on line 9 with "general" strike all the matter down to and including "be chosen" on line 15 and insert the following: "((general)) primary election, and the proposal that a board of ((freeholders)) electors be elected for the purpose of framing a county charter shall be submitted to the vote of the people at said ((general)) primary election, and ((at the same election a board of freeholders of not less than)) if such proposal is approved and ratified by a majority of the voters voting on such proposal, a fifteen (15) ((or more than twenty-five (25), as fixed in the petition calling for the election.)) member board of electors shall be chosen at the next ensuing general election"

The resolution was ordered engrossed.

Mr. Charnley moved that the rules be suspended, the second reading considered the third, and Engrossed House Joint Resolution No. 63 be placed on final passage.

Mr. Pardini spoke against the motion, and it was lost.

Engrossed House Joint Resolution No. 63 was passed to Committee on Rules for third reading.

HOUSE BILL NO. 514, by Representatives Parker, Gallagher and Wojahn:

Revising laws regulating county utility services.

The bill was read the second time.

On motion of Mr. Haussler, Substitute House Bill No. 514 was substituted for House Bill No. 514, and the substitute bill was placed on final passage.

Substitute House Bill No. 514 was read the second time.

MOTION

On motion of Mr. Charnley, further action on Substitute House Bill No. 514 was deferred, and the bill was ordered placed at the bottom of today's second reading calendar.

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.

MOTION

On motion of Mr. Thompson, further action on House Bill No. 1255 was deferred, and the bill was ordered placed on the second reading calendar following House Bill No. 1299.

HOUSE BILL NO. 1362, by Representatives Hanna, Maxie and Charnley:

Authorizing local governments to provide cultural and social services.

The bill was read the second time.

Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Twenty-fourth Day, 2nd ex. sess., January 28, 1976.)

On motion of Mr. Hanna, the committee amendments were adopted.

On motion of Mr. Berentson, the following amendment by Representatives Lee, Haussler, Hanna and Berentson was adopted:

On page 2, line 34 add a new section as follows:

"NEW SECTION. Sec. 4. No city, town, or county may exercise any of the powers or authorities which are granted by this 1976 amendatory act without first making a finding of fact, arrived upon after a public hearing, that the contemplated service cannot be otherwise provided and is also necessary for the public health, safety or welfare, unless as of January 1, 1976, the particular city, town, or county was engaged in the particular service."

Renumber the remaining sections consecutively.

On motion of Mr. Haussler, the committee amendment to the title was adopted.

House Bill No. 1362 was ordered engrossed and passed to Committee on Rules for third reading.

MOTIONS

On motion of Mr. Thompson, further action on the bills on today's calendar were deferred, and they were ordered held for tomorrow's calendar.

On motion of Mr. Thompson, SECOND SUBSTITUTE HOUSE BILL NO. 93 was rereferred from Committee on Rules to Committee on Ways and Means - Appropriations.

MOTION FOR RECONSIDERATION

Having served notice on the previous day, Mr. Thompson now moved that the House reconsider the vote by which Engrossed House Bill No. 1330 failed to pass the House.

Mr. Pardini spoke against the motion.

POINT OF ORDER

Mr. Thompson: "Mr. Speaker, Mr. Pardini is remarking on the substance of this bill rather than the merits of the motion."

SPEAKER PRO TEM'S RULING

The Speaker Pro Tem: "Reed's Rule 203 says, 'A motion to reconsider, if agreed to, reopens the entire question for further action, as if there had been no final decision.' Reed's Rule 210, 'A motion to reconsider is debatable wherever the subject on which the reconsideration was moved was itself debatable.' It would appear that the question whether to reconsider would open the whole subject to debate."

Mr. King spoke in favor of the motion, and Mr. Brown spoke against it.

POINT OF INQUIRY

Mr. King yielded to question by Mrs. Valle.

Mrs. Valle: "In regard to residency as a state representative under this act, suppose as a candidate you are thrown off the ballot because of residency requirements. What ruling could the House of Representatives as a body make in such a situation?"

Mr. King: "The House couldn't make any ruling unless they passed another law. My understanding is that the amendment would take the legislature out of this particular law completely."

Mrs. Valle spoke against the motion to reconsider.

Mr. Charnley demanded an electric roll call and the demand was sustained.

Mrs. Fortson spoke in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which Engrossed House Bill No. 1330 failed to pass the House, and the motion was passed by the following vote: Yeas, 66; nays, 28; not voting, 2.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Bender, Berentson, Blair, Charette, Charnley, Clemente, Cochran, Conner, Deccio, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, North, O'Brien, Paris, Parker, Perry, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn.

Voting nay: Representatives Amen, Boldt, Bond, Brown, Chandler, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Hayner, Hendricks, Jueling, Kuehne, Lee, Matthews, Moreau, Nelson, Newhouse, Pardini, Patterson, Peterson, Polk, Schumaker, Sommers, Zimmerman.

Not voting: Representatives Becker, Ceccarelli.

The motion having passed, the Speaker Pro Tem stated the question before the House to be reconsideration of final passage of Engrossed House Bill No. 1330.

POINT OF ORDER

Mr. Polk: "The amendment that was adopted—was it a floor amendment that the discussion has been about? Is that what Representative Pardini raised a question about? The point is that the amendment was apparently on the desks on Saturday, but it is not on the desks today so we don't have that amendment before us to see what shape this bill is in for final passage."

The Speaker Pro Tem: "The Clerk will read the amendment."

The Clerk read the adopted amendment to House Bill No. 1330. (For previous action, see Journal, Twenty-seventh Day, 2nd ex. sess., January 31, 1976.)

Representatives Newhouse and Pardini spoke against final passage of the bill.

MOTIONS

On motion of Mr. Thompson, further action on Engrossed House Bill No. 1330 was deferred, and the bill was ordered placed on tomorrow's third reading calendar.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Tuesday, February 3, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

THIRTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, February 3, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Becker, Ceccarelli, Chandler and Perry, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tina Champagne and Mark Croese. Prayer was offered by Father John Doherty of Christ the King Parish of Seattle.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

February 2, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 2060,
SUBSTITUTE SENATE BILL NO. 3254,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

ENGROSSED SENATE BILL NO. 2060, by Senators Donohue, Odegaard, Marsh, Woody, Newschwander and Morrison (by Legislative Budget Committee request—to implement performance audit recommendations):

Reconstituting purchasing and material control in state government.

To Committee on State Government

SUBSTITUTE SENATE BILL NO. 3254, by Committee on State Government (Originally sponsored by Senator Mardesich):

Forbidding force or coercion in soliciting political contributions.

To Committee on Constitution and Elections

REPORTS OF STANDING COMMITTEES

February 2, 1976

HOUSE BILL NO. 1370, Prime Sponsor: Representative Peterson, defining children for purposes of exemption from certain fees at vocational-technical institutions and institutions of higher education. Reported by Committee on Higher Education.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11 after "who" strike "was a Washington domiciliary" and insert "~~((was a Washington domiciliary))~~ has had a Washington domicile"

On page 1, line 23 after "persons" insert ", other than such persons enrolled in undergraduate work on or before the effective date of this amendatory act in an institution of higher education."

On page 2, line 14 after "persons" insert ", other than those enrolled in undergraduate work on or before the effective date of this amendatory act."

Signed by Representatives Maxie, Chairwoman; Bond, Nelson, Patterson, Peterson.

To Committee on Rules for second reading.

February 3, 1976

HOUSE BILL NO. 1653, Prime Sponsor: Representative Pardini, including zoos within the purview of the Recreation District Act. Reported by Committee on Parks and Recreation.

MAJORITY recommendation: Do pass. Signed by Representatives Hurley(Margaret), Chairwoman; Lee, North, Paris, Peterson, Smith (Edward).

To Committee on Rules for second reading.

February 2, 1976

ENGROSSED SENATE BILL NO. 2982, Prime Sponsor: Senator Woody, permitting the state fire marshal to preempt local codes with approval by the advisory board. Reported by Committee on Education.

MAJORITY recommendation: Do pass. Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Boldt, Brown, Dunlap, Fortson, Gaspard, Haley, Hayner, Hendricks, Hurley (George), Valle, Warnke, Whiteside.

To Committee on Rules for second reading.

February 2, 1976

ENGROSSED SENATE BILL NO. 3009, Prime Sponsor: Senator Woody, implementing law relating to contract bidding procedure for school districts. Reported by Committee on Education.

MAJORITY recommendation: Do pass 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 interrelated project where work is to be performed simultaneously or in close sequence."

Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Boldt, Brown, Dunlap, Fortson, Gaspard, Haley, Hayner, Hendricks, Hurley (George), Valle, Warnke, Whiteside.

To Committee on Rules for second reading.

SECOND READING

On motion of Mr. Thompson, House Bill No. 1364 was advanced to the top of today's second reading calendar.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

HOUSE BILL NO. 1364, by Representatives Bauer, Whiteside, Boldt, Ehlers, Dunlap and Warnke:

Changing law relating to contractual rights of school district certificated employees.

The bill was read the second time.

On motion of Mr. Bauer, Substitute House Bill No. 1364 was substituted for House Bill No. 1364, and the substitute bill was placed on second reading.

Substitute House Bill No. 1364 was read the second time.

Mr. Charette moved adoption of the following amendment by Representatives Charette and Pardini:

On page 1, beginning on line 22 add a new section to read as follows:

"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 April 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 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 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 for lack of teaching competency."

Renumber the remaining sections consecutively and make internal reference changes throughout the bill as necessary.

Mr. Nelson moved adoption of the following amendment to the amendment:

On page 1, line 14 after "this section" strike all material down to and including "employment by" on line 15 and insert "after the completion of twelve full months of classroom teaching in" **Failed**

Mr. Nelson spoke in favor of the amendment to the amendment.

POINT OF INQUIRY

Mr. Nelson yielded to question by Mr. Ehlers.

Mr. Ehlers: "It is my understanding that this 12-month period of evaluation would then run to the end of December. After you react to testimony that you've heard in committee that the employee, the way it is now under this bill—if in fact that person is judged for whatever reason not to be reemployed by the school district—would he have an opportunity to seek employment elsewhere for the next academic year? What would be the problem with your amendment as it relates to that particular problem? The problem of the employee seeking some kind of employment elsewhere?"

Mr. Nelson: "It doesn't eliminate that at all. I think that sometimes it would be the case where the employer and the employee, in this case, the teacher, might not possibly get together and that exists today with the employee who says, 'I don't want to have the contract renewed in your district for the subsequent year'."

Mr. Ehlers: "My point again, Representative Nelson, if your amendment passes, then the employee, who in fact is found to be insufficient in some areas at the end of December, could conceivably be released from contract in the middle of the school year—would in effect not be employed—would be seeking employment in the middle of the school year. Is that correct?"

Mr. Nelson: "The intent here would be that the subsequent sections in the bill would still be in effect, but the notice to the school teacher would have to be given in January so that the nonrenewal date of April 15th would still be in effect. In reality you have the teacher in the classroom for two academic years."

Representatives Charette and King spoke against the amendment to the amendment, and Mr. Nelson again spoke for it.

• POINT OF INQUIRY

Mr. Nelson yielded to question by Mr. Greengo.

Mr. Greengo: "If the school board, in conducting their hearing process, must give them notice by January, doesn't in fact the evaluation of that teacher have to start much earlier than that? Aren't there several periods of observation that must occur almost immediately after school starts?"

Mr. Nelson: "Yes, that's in the bill now. After ninety days they are given a first evaluation and I'm a firm believer in the evaluation process being more frequent during a certain provisional time frame."

Mr. Greengo: "My point is that the first series is after ninety days. In actual fact the evidence that's gathered must precede that ninety days?"

Mr. Nelson: "That's correct."

Mr. Greengo: "So, in effect, with the so-called one-year probationary period, you have really six weeks or maybe eight weeks at very most before you must have all the evidence gathered?"

Mr. Nelson: "That's correct."

The amendment to the amendment was not adopted.

Mr. Kuehnle moved adoption of the following amendment to the Charette/Pardini amendment:

On page 1, line 37 following "his or" and before "request" insert "her"

Mr. Charette spoke in favor of the amendment to the amendment, and it was adopted.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Charette and Pardini as amended.

Mr. Brown spoke in favor of the amended amendment, and Mr. Bauer spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Representatives Pardini and Hurley (George) spoke in favor of the amendment as amended, and Representatives Smith (Rick) and Randall spoke against it.

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Boldt.

Mr. Boldt: "The language on line 16, 'first school year,' is that the language we are talking about here?"

Mr. Pardini: "That's the language in the bill, Representative Boldt."

Mr. Boldt: "Does that mean a calendar year or is that a teaching school year?"

Mr. Pardini: "The school year, it seems to me, is 180 days. That's what they normally contract for."

Mr. Boldt: "I'm trying to seek the definition for 'first school year.'"

Mr. Pardini: "First school year, in my opinion, constitutes starting two days before school begins, when teachers normally have their initiative day, when they get the program and go to the classroom, and extends to the last day of school which should be a 180 or 182-day contract."

Mr. Dunlap spoke against the amendment.

POINT OF INQUIRY

Mr. Charette yielded to question by Mr. Douthwaite.

Mr. Douthwaite: "I'm concerned about the question raised by Representative Randall that the constitutionality of blocking out appeals for teachers who are ruled to be lacking in teaching competency as defined in the last two paragraphs on page 2. Would you enlighten me please about the constitutional rights of a teacher who is judged incompetent? It seems to me he has no rights of appeal and I'm worried about whether we are violating his constitutional rights in this matter."

Mr. Charette: "I'm not sure that I can state with any certainty what the constitutional questions are, but I can give you an example of a matter that has been determined by the courts not to violate a constitutional privilege. What this bill would say and what the arguments would be on behalf of the school district that one of the conditions of employment was that the new teacher knew that he could be discharged within a year. A comparison could be made to the fact that our state Supreme Court has determined that a driver's license is a privilege and not a right. When you take it you can have it revoked if you don't do certain

things. As to whether or not this is constitutional, I am not able to determine. There are nine gentlemen across the street who determine that, even though sometimes I think they are wrong, but I do abide by what they say."

Mr. Douthwaite: "Perhaps my question should have been worded, is it really necessary to go so far as to deny appeals? Personally I approve of the probationary concept, but I wonder whether it's necessary to deny any appeal?"

Mr. Charette: "I guess in determining whether or not we are denying something to someone you have to weigh the values. I think that the public and the parents of children have a right to have those children properly educated. That's what we are determining to a small extent here today. The teacher has a right to have a contract and not be denied his constitutional privileges. The parents of this state and the people of this state have a right to expect and demand that their children will be properly educated."

Mr. Randall spoke against the amendment.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Charnley.

Mr. Charnley: "Let's assume that the amendment has now passed; could you very briefly tell me what the bill as written gives to the school board in terms of the—"

POINT OF ORDER

Mr. Pardini: "It's very obvious members are using questions and answers to move away from the amendment before us. I believe that the Chair should instruct the members to stay on the amendment rather than use the question and answer process to open up the entire bill. Or, if the Chair wishes, we can certainly open up the entire bill, but let's decide the rules."

The Speaker Pro Tem: "It appears to the Speaker that it is very difficult to confine the debate, but you should ask your questions relative to the proposed amendment. It is very difficult to state and define the scope of your questions, but I would suggest and recommend that you do confine your questions to the proposed amendment."

Mr. Charnley: "Let me restate the question then, Representative Bauer. Is there presently in this bill the authority to fire teachers with incompetence, or who are proven incompetent, after one year and does that teacher have the rights of appeal?"

Mr. Bauer: "In this bill there's an evaluation process and if sufficient cause is shown that there is any incompetency, the bill provides for a process by which the teacher's contract can be terminated regardless of what year they are in."

Mr. Leckenby spoke in favor of the amendment, and Mr. Smith (Rick) spoke against it.

Mr. Douthwaite moved adoption of the following amendment to the amendment by Representatives Douthwaite and Randall:

On page 2, line 36 strike "and not subject to appeal"

MOTION

On motion of Mr. Thompson, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Becker, Ceccarelli, Chandler, Hayner and Perry who were excused.

The House resumed consideration of Substitute House Bill No. 1364 on second reading.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Douthwaite and Randall to the Charette/Pardini amendment.

Representatives Douthwaite and Randall spoke in favor of the amendment to the amendment, and Representatives Charette and Pardini spoke against it.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Barnes.

Mr. Barnes: "I am assuming, Representative Randall, that we are going to be hearing a lot in the next two days about teachers' constitutional rights and you have mentioned it twice. Can you explain to me what the Federal Constitution and the State Constitution say about a teacher being given a constitutional right to go to court?"

Mr. Randall: "I'm not going to name the Article of the Constitution because I can't research it that fast. The situation speaks for itself, that anyone has the right to go to Superior Court to seek redress—anyone has; you have, I have, everyone has. If I feel I have been arbitrarily wronged I have the right to go to court. This amendment doesn't change that."

Mr. Barnes spoke against the amendment.

POINT OF INQUIRY

Mr. Patterson yielded to question by Mr. Flanagan.

Mr. Flanagan: "One of the problems, as I understand the continuing contract law, is that the ways the teachers' contracts are operated an awful lot of them give them certain statutory protections in addition to constitutional rights and it's put in the statutes and the normal citizen doesn't have these things to put in the statutes. I understand that you have approximately this same tenure law in higher education, and I also understand that in there they have a three or five-year probationary period and is it true then that during this probationary period they do not have these guaranteed rights of appeal during that time?"

Mr. Patterson: "I'll attempt to answer your question, defining first that at the one institution I am familiar with I know that they have a probationary period before tenure is granted of five years. At that point of time if tenure is not granted the faculty member would have an opportunity to go before a board that is established to review the circumstances and the reasons why he was not granted tenure, but I must concur with comments that have been made by Representative Randall; they still do have the opportunity to go to court if they feel there is reason to believe that the procedures were not properly followed and they believe that they have a good case."

Mr. Flanagan: "During the five years what do the statutes say as to what rights they have? Are they any different than if they were working for some private company?"

Mr. Patterson: "During the five-year period when they are basically on probation before tenure is granted, if at some period of time during that five-year period it was determined by the appropriate authority, and there is a faculty committee established to do this, that the competency of the professor was not such that he would be granted tenure, then at the end of the probationary period he would be so notified."

Mr. Blair spoke in favor of the amendment to the amendment, and Representatives Eikenberry and Charette spoke against it.

Mr. Peterson demanded the previous question and the demand was sustained.

The amendment to the amendment was not adopted.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Charette and Pardini as amended.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Charette and Pardini as amended, adding a new section 1 to Substitute House Bill No. 1364, and the amendment was adopted by the following vote: Yeas, 57; nays, 33; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Bausch, Berentson, Blair, Brown, Charette, Cochrane, Conner, Curtis, Deccio, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Greengo, Hansen, Hansey, Hawkins, Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, May, McCormick, Moon, Moreau, Nelson, North, O'Brien, Pardini, Parker, Patterson, Peterson, Polk, Sawyer, Schumaker, Seeberger, Sherman, Smith E. P., Valle, Warnke, Whiteside, Williams, Wilson.

Voting nay: Representatives Amen, Barnes, Bauer, Bender, Boldt, Bond, Charnley, Clemente, Douthwaite, Dunlap, Ehlers, Eng, Freeman, Gaspard, Gilleland, Haley, Hanna, Haussler, Hendricks, Hurley G. S., Lysen, Maxie, McKibbin, Newhouse, Paris, Randall, Shipoch, Smith R., Sommers, Thompson, Tilly, Wojahn, Zimmerman.

Not voting: Representatives Becker, Ceccarelli, Chandler, Hayner, Kalich, Perry.

Mr. Charette moved adoption of the following amendment by Representatives Charette and Pardini:

On page 1, section 1 beginning on line 25 strike everything down to and including "determined" on page 1, line 26 and insert "Every board of directors determining"

Mr. Charette spoke in favor of the amendment, and Representatives Peterson and Bauer spoke against it.

MOTION

On motion of Mr. Charette, the rules were suspended, and the following amendment was moved to be considered first:

On page 11, beginning on line 36 strike all of section 7 and insert the following:

"Sec. 7. 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))~~ section 4 of this 1976 amendatory act, 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 by serving upon the clerk 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. 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 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))~~ under the same requirements as provided in section 4(10) of this 1976 amendatory act."

Representatives Charette, Moon, Brown, Pardini, Hurley (George) and King spoke in favor of the amendment, and Representatives Smith (Rick), Eikenberry, Polk, Randall and Dunlap spoke against it.

Mr. Charnley demanded an electric roll call and the demand was sustained.

Representatives Whiteside and Charette spoke in favor of the amendment, and Representatives Barnes, Bauer, Clemente, Berentson and Smith (Rick) spoke against it.

Mr. Pardini demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment to page 11, line 36 of Substitute House Bill No. 1364, and the amendment was adopted by the following vote: Yeas, 46; nays, 45; not voting, 5.

Voting yea: Representatives Adams, Bagnariol, Bausch, Blair, Brown, Charette, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Hanna, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, May, McCormick, McKibbin, Moon, Moreau, North, Pardini, Parker, Peterson, Sawyer, Seeberger, Sherman, Smith E. P., Tilly, Valle, Warnke, Whiteside, Williams, Wojahn.

Voting nay: Representatives Amen, Barnes, Bauer, Bender, Berentson, Boldt, Bond, Clemente, Curtis, Deccio, Dunlap, Eikenberry, Eng, Erickson, Flanagan, Freeman, Gilleland, Haley, Hansen, Hansey, Haussler, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kuehnl, Leckenby, Lee, Matthews, Maxie, Nelson, Newhouse, O'Brien, Paris, Patterson, Polk, Randall, Schumaker, Shinpoch, Smith R., Sommers, Thompson, Wilson, Zimmerman.

Not voting: Representatives Becker, Ceccarelli, Chandler, Hayner, Perry.

Mr. Charette moved adoption of the following amendments by Representatives Charette and Pardini:

On page 1, section 1 beginning on line 25 strike everything down to and including "determined" on page 1, line 26 and insert "Every board of directors determining"

On page 1, section 1, line 30 after "status," strike "~~((shall notify))~~" and insert "shall notify"

On page 2, beginning on line 1 strike everything down to and including "the superintendent." on line 5 and insert "each employee in writing of its decision, which notification shall specify the probable cause or causes for such action."

On page 7, section 4 beginning on line 36 after "this section" strike everything down to and including "application thereto" on page 8, line 5.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Charette and Pardini to Substitute House Bill No. 1364, and the amendments were adopted by the following vote: Yeas, 55; nays, 35; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Bausch, Bender, Blair, Boldt, Brown, Charette, Charnley, Cochrane, Douthwaite, Ehlers, Eng, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Hanna, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Martinis, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Pardini, Parker, Perry, Peterson, Randall, Sawyer, Seeberger, Sherman, Smith E. P., Tilly, Valle, Warnke, Whiteside, Williams, Wojahn.

Voting nay: Representatives Amen, Barnes, Bauer, Berentson, Bond, Clemente, Conner, Curtis, Deccio, Dunlap, Eikenberry, Erickson, Flanagan, Freeman, Gilleland, Haley, Hansen, Hansey, Hendricks, Juelling, Kalich, Kuehnle, Leckenby, Matthews, Maxie, Nelson, Newhouse, Paris, Patterson, Polk, Schumaker, Shinpoch, Sommers, Thompson, Wilson.

Not voting: Representatives Becker, Ceccarelli, Chandler, Hayner, Smith R., Zimmerman.

Mr. Shinpoch moved adoption of the following amendment by Representatives Shinpoch, Sommers and Eng:

On page 4, line 3 following "at least" strike "biweekly" and insert "monthly"

Mr. Shinpoch spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Whiteside.

Mr. Whiteside: "I'm very concerned about this evaluation procedure and just exactly how this is going to be developed. Have you spoken to the Superintendent of Public Instruction as to how these guidelines are going to be developed before they go to the local school boards?"

Mr. Bauer: "Yes, I have."

Mr. Whiteside: "I also would like to get this on the record: In developing these guidelines, in addition to the Superintendent of Public Instruction, as I understand it, there will be representatives from the PTA, from the School Directors' Association, the Associated School Principals, the WEA, the State School Board and the Legislature. Is that correct?"

Mr. Bauer: "Yes, that's not in this amendment, but that is correct."

Mr. Whiteside: "One step further, pertaining to the Legislature there's always some problems, some regulatory agencies develop their administrative procedures and they sometimes exceed the intent of the Legislature. When these evaluative criteria are developed will they be returned to an ad hoc committee of the Legislature to review before they go to the local school boards?"

Mr. Bauer: "The Legislature always has that prerogative and I am sure that would be the pleasure of the SPI that we concur in what they've done."

The amendment was adopted.

On motion of Mr. Gaspard, the following amendment was adopted:

On page 9, line 2 after "person" insert "or, he or she is not listed upon an approved register of hearing officers as agreed upon by the local school district board and local bargaining authority for the certificated employees of the district"

The Clerk read the following amendment by Representative Seeberger:

On page 9, line 27 strike all of subsection (8) ending on line 3 of page 10.

With the consent of the House, Mr. Seeberger withdrew the amendment.

The Clerk read the following amendment by Representatives Wojahn and Adams:

On page 11, line 2 strike "(~~de novo by the superior court. Such appeal shall be heard~~)" and insert "de novo by the superior court. Such appeal shall be heard"

With the consent of the House, Mrs. Wojahn withdrew the amendment.

Mr. Smith (Rick) moved adoption of the following amendment by Representatives Smith (Rick) and Eikenberry:

On page 11, line 14 after "if" and before "the" insert "the employee meets the burden of showing by a preponderance of the evidence that"

Representatives Smith (Rick) and Eikenberry spoke in favor of the amendment, and Mr. Charette spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Smith (Rick) and Eikenberry to Substitute House Bill No. 1364, and the amendment was not adopted by the following vote: Yeas, 16; nays, 70; not voting, 10.

Voting yea: Representatives Bagnariol, Bauer, Conner, Douthwaite, Ehlers, Haussler, Hawkins, Kilbury, King, Lee, Moon, Nelson, Randall, Sherman, Shinpoch, Smith R.

Voting nay: Representatives Adams, Amen, Barnes, Bausch, Bender, Berentson, Blair, Boldt, Bond, Brown, Charette, Charnley, Clemente, Cochrane, Curtis, Deccio, Dunlap, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moreau, Newhouse, North, O'Brien, Pardini, Parker, Perry, Polk, Sawyer, Schumaker, Seeberger, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wojahn, Zimmerman.

Not voting: Representatives Becker, Ceccarelli, Chandler, Haley, Hayner, Lysen, Paris, Patterson, Peterson, Wilson.

The Clerk read the following amendment by Representatives Smith (Rick) and Eikenberry:

On page 11, line 21 after "(5)" strike "Clearly"

With the consent of the House, Mr. Smith (Rick) withdrew the amendment.

The Clerk read the following amendment by Representatives Wojahn and Adams:

On page 11, line 3 beginning with "The" strike all the matter down to and including "capricious." on line 24

With the consent of the House, Mrs. Wojahn withdrew the amendment.

Mrs. Fortson moved adoption of the following amendment by Representatives Fortson, Barnes and Laughlin:

On page 13, line 10 after "administrator." insert "Such transfer may be made only at the expiration of the contract year and only during the first three consecutive school years of employment of such person in an administrative position by a school district, provided that if any such employee has been previously employed in an administrative 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."

Mrs. Fortson spoke in favor of the amendment, and Mr. Shinpoch spoke against it.

The amendment was not adopted.

Mrs. Fortson moved adoption of the following amendment:

On page 14, line 11 after "district" strike "on" and insert "after"

Representatives Fortson and Laughlin spoke in favor of the amendment.

POINT OF INQUIRY

Mrs. Fortson yielded to question by Mr. Ehlers.

Mr. Ehlers: "By changing the word 'on' to 'after' is it in fact to grandfather in those people who are now in the system—that this position does not take effect until after the act? Is that correct, are you grandfathering in all those administrators who are in the system now?"

Mrs. Fortson: "Grandfathering only to the end of that particular year."

POINT OF INQUIRY

Mrs. Fortson yielded to question by Mr. Brown.

Mr. Brown: "Mrs. Fortson, if I read your amendment correctly, if your amendment is adopted, what this paragraph would end up saying is that 'This section applies to any person employed as an administrator by a school district after the effective date of this 1976 amendatory act and to all persons so employed at any time thereafter.' It's certainly redundant and I think it louses it up so that the sentence itself would come under question and would probably end up with no force or effect. Grammatically it's all fouled up if this amendment hangs."

Mrs. Fortson: "The purpose of it was so that if this act goes into effect that a principal at that time, in the middle of the year, would not be transferred until at the end of that renewable contract. That's the aim of it."

Mr. Brown spoke against adoption of the amendment.

The amendment was not adopted.

Mr. Barnes moved adoption of the following amendment:

On page 14, line 7 beginning with "The transfer" strike all material down to and including "classroom teacher." on line 9 and insert "The transfer of an administrator into a classroom teaching position by the procedure provided in this section shall not be the cause for nonrenewal of contract of any classroom teacher if that teacher has accumulated more years of classroom experience than has that administrator."

Mr. Barnes spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Barnes yielded to question by Mr. Laughlin.

Mr. Laughlin: "I believe I'm sympathetic to what you are trying to do here, but you mentioned the purpose here would be to ensure that if the principal were moved back into the classroom that he would have had more experience or be better qualified than the classroom teacher. In your amendment I don't see that language there."

Mr. Barnes: "I presented two amendments and they are on the same piece of paper. The first amendment was my preference, but the Clerk told me I had to present the second one first because of the striking in the first amendment. The first one, if adopted, would leave the choice of whether to retain the teacher when a reduction in force has to take place completely up to the board who is on the spot and with the personalities involved. My second preference to that is if you cannot—if the authority is taken out altogether, I would say that you would still give the board a second choice to retain, first of all, instead of a teacher, the principal if he did have more experience or had seniority."

Representatives Laughlin and Moon spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Barnes to Substitute House Bill No. 1364, and the amendment was not adopted by the following vote: Yeas, 42; nays, 44; not voting, 10.

Voting yea: Representatives Adams, Amen, Barnes, Berentson, Blair, Bond, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hendricks, Hurley M., Jueling, Kuehnle, Laughlin, Lee, Martinis, Matthews, McCormick, Moon, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Smith E. P., Tilly, Wojahn, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Bender, Boldt, Brown, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, King, Leckenby, Lux, Lysen, Maxie, May, McKibbin, Moreau, O'Brien, Randall, Schumaker, Seeberger, Sherman, Shipoch, Sommers, Thompson, Valle, Warnke, Whiteside, Williams.

Not voting: Representatives Becker, Ceccarelli, Chandler, Fischer, Hayner, Kalich, Knowles, Sawyer, Smith R., Wilson.

STATEMENTS FOR THE JOURNAL

I wish to be recorded as voting "No" on the Barnes amendment to Substitute House Bill No. 1364 to page 14, line 7.

LORRAINE WOJAHN, 27th District.

The voting machine malfunctioned and recorded my vote in error on the Barnes amendment to page 14, line 7 of Substitute House Bill No. 1364. I wished to vote "No."

CHARLES MOON, 39th District.

Mr. Barnes moved adoption of the following amendment:

On page 14, line 7 beginning with "The transfer" strike all material down to and including "classroom teacher." on line 9.

Representatives Barnes, Moon and Randall spoke in favor of the amendment, and it was adopted.

On motion of Mr. Charette, the following amendments by Representatives Charette and Pardini were adopted:

On page 6, line 10 strike all the material down to and including "determined" on line 11 and insert "Every board of directors determining"

On page 6, line 13 after "term" strike the material down to and including "notified" on line 14 and insert "shall notify that employee"

On page 6, line 17 after "contract." strike all the material down to and including "superintendent." on line 19.

On motion of Mr. Charette, the following amendment to the title was adopted:

On line 19 of the title after "and adding" and before "to chapter" strike "a new section" and insert "new sections"

Substitute House Bill No. 1364 was ordered engrossed and passed to Committee on Rules for third reading.

POINT OF PARLIAMENTARY INQUIRY

Mr. Curtis: "I am wondering if you can advise me of the schedule that has been laid on our desks for the balance of the week. It says tomorrow at 2 o'clock, committee meetings, and at 4 o'clock it is our understanding that probably those two committee meetings will be cancelled so that the caucuses may meet. Then on Friday at 4 p.m. there is a possible executive session on the budget. I appreciate that Representative Shinpoch explained to us that he was preparing the budget bills and they were his bills, and while I think that's a little bit of a radical departure from the procedure, I understand that. However, since that's the only bill which the House will be allowed to act on I'm wondering if it might be possible for us to have that bill sometime before tomorrow's caucus to give our caucus adequate time to examine it and prepare amendments?"

The Speaker Pro Tem: "It appears that the question you are raising is a matter for the Chairman of the Appropriations Committee to answer."

Mr. Curtis: "I simply would like to arrange some time for my caucus so that we might adequately prepare for a budget session. I think at least two days' notice is not too much to ask on a supplemental budget that does involve every agency in our state."

Mr. Bagnariol: "Your request is not out of line. I will make sure that you have copies of everything available, but I doubt that we will get to an executive session this week."

STANDING COMMITTEE APPOINTMENTS

The Speaker Pro Tem announced the following committee appointment changes:

Representative Clemente from Committee on Natural Resources to Committee on Labor;

Representative May from Committee on Labor to Committee on Natural Resources;

Representative Bausch from Committee on Labor to Committee on Commerce;

Representative Fischer to Committee on Labor;

Representative Hawkins to Chairman of Committee on Constitution and Elections.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., February 4, 1976.

JOHN L. O'BRIEN, Speaker Pro Tem.

DEAN R. FOSTER, Chief Clerk.

THIRTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, February 4, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Perry and Sawyer, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tami McCormick and Doug Pierce. Prayer was offered by the Reverend Lester G. Olsen of the Gloria Dei Lutheran Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

February 3, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3039,

ENGROSSED SENATE BILL NO. 3081,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

ENGROSSED 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.

To Committee on Judiciary

ENGROSSED SENATE BILL NO. 3081, by Senators Donohue, Benitz, Jolly, Marsh, Day, Wilson, Guess and Sellar:

Directing that agricultural uses be emphasized in granting permits.

MOTION

Mr. Newhouse moved that Engrossed Senate Bill No. 3081 be referred to Committee on Agriculture.

Mr. Newhouse spoke in favor of the motion, and Representatives Thompson and Amen spoke against it.

ROLL CALL

The Clerk called the roll on the motion to refer Engrossed Senate Bill No. 3081 to Committee on Agriculture, and the motion was lost by the following vote: Yeas, 33; nays, 47; not voting, 16.

Voting yea: Representatives Barnes, Berentson, Boldt, Bond, Deccio, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gilleland, Greengo, Hansen, Hansey, Hayner, Hendricks, Jastad, Kalich, Leckenby, Lee, Matthews, Nelson, Newhouse, North, Parker, Patterson, Polk, Schumaker, Wilson.

Voting nay: Representatives Adams, Amen, Bagnariol, Bauer, Becker, Bender, Blair, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Gallagher, Gaspard, Haussler, Hawkins, Hurley G. S., Hurley M., Kilbury, King, Knowles, Laughlin, Lux, Martinis, Maxie, May, McCormick, O'Brien, Pardini, Paris, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wojahn, Zimmerman.

Not voting: Representatives Bausch, Ceccarelli, Eng, Haley, Hanna, Juelling, Kuehnle, Lysen, McKibbin, Moon, Moreau, Perry, Peterson, Sawyer, Smith R., Warnke.

Engrossed Senate Bill No. 3081 was passed to Committee on Ecology for second reading.

REPORTS OF STANDING COMMITTEES

February 2, 1976

HOUSE BILL NO. 986, Prime Sponsor: Representative Bagnariol, making certain changes relating to the state printing and duplicating committee. Reported by Committee on State Government.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 7 after "~~(budget)~~" strike "of"

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hurley (Margaret), Leckenby, Nelson, O'Brien, Polk, Williams.

To Committee on Rules for second reading.

February 2, 1976

HOUSE BILL NO. 1329, Prime Sponsor: Representative Lysen, making changes in the public disclosure laws. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives King, Chairman; Barnes, Brown, Chandler, Erickson, Hawkins, Lysen, Sherman.

To Committee on Rules for second reading.

February 2, 1976

HOUSE BILL NO. 1343, Prime Sponsor: Representative Thompson, setting legislators' salaries at \$7200 per year. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass and State Government Committee amendments be adopted. Signed by Representatives Shinpoch, Chairman; Amen, Bagnariol, Bauer, Bausch, Blair, Boldt, Curtis, Ehlers, Gaspard, Matthews, McKibbin, Polk, Smith (Edward), Smith (Rick), Thompson, Valle, Warnke.

MINORITY recommendation: Do not pass. Signed by Representatives North, Vice Chairwoman; Charette.

To Committee on Rules for second reading.

February 2, 1976

SUBSTITUTE HOUSE BILL NO. 1345, Prime Sponsor: Representative Bauer, providing for a priority program of education. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass with the following amendments:

On page 10, following line 24 insert a new section as follows:

"NEW SECTION. Sec. 17. There is hereby appropriated to the superintendent of public instruction the sum of six hundred sixty thousand dollars from the state general fund to be expended only in the amount necessary and exclusively for implementing the provisions of section 13 of this 1976 amendatory act."

Re-number the following section consecutively.

On page 1, line 17 after "28A.41.140;" insert "making an appropriation;"

Signed by Representatives Shinpoch, Chairman; Amen, Bagnariol, Bauer, Blair, Boldt, Charette, Ehlers, Gaspard, McKibbin, Polk, Thompson, Valle, Warnke.

To Committee on Rules for second reading.

February 2, 1976

HOUSE BILL NO. 1391, Prime Sponsor: Representative Parker, prohibiting mandatory retirement because of age. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Bauer, Cochrane, Eng, Fischer, Fortson, Hanna, Hendricks, Lux, Paris.

To Committee on Rules for second reading.

February 2, 1976

HOUSE BILL NO. 1525, Prime Sponsor: Representative Warnke, authorizing cease and desist orders against violations of law regarding real estate sales. Reported by Committee on Commerce.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 4 strike section 1 and insert a new section as follows:

"**NEW SECTION, Section 1.** There is added to chapter 18.85 RCW a new section to read as follows:

Whenever it appears to the director that any person has engaged or is about to engage in any act or practice constituting a violation of any provisions of this chapter or any rule or order hereunder, he may in his discretion:

(1) Issue an order directing the person to cease and desist from continuing the act or practice: **PROVIDED**, That reasonable notice of and opportunity for a hearing shall be given: **PROVIDED FURTHER**, That the director may issue a temporary order pending the hearing which shall be effective upon delivery to the person affected and which shall remain in effect until thirty days after the hearing is held unless sooner withdrawn by the director and which shall become final if the person to whom notice is addressed does not request a hearing within twenty days after receipt of notice; or

(2) The director may without issuing a cease and desist order, bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The director may not be required to post a bond."

Signed by Representatives Warnke, Chairman; Jastad, Vice Chairman; Curtis, Gaines, Greengo, Kuehne, Bausch, Wojahn.

To Committee on Rules for second reading.

February 2, 1976

HOUSE BILL NO. 1551, Prime Sponsor: Representative Hayner, modifying the agricultural crop lien law. Reported by Committee on Agriculture.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Kilbury, Chairman; Deccio, Erickson, Flanagan, Hansen, Hansey, Haussler, Laughlin, Schumaker, Tilly.

To Committee on Rules for second reading.

February 2, 1976

HOUSE BILL NO. 1552, Prime Sponsor: Representative Boldt, making changes in the laws relating to commission merchants of agricultural products. Reported by Committee on Agriculture.

MAJORITY recommendation: Do pass with the following amendments:

On page 9, beginning on line 32 strike all of section 7 and insert the following:

"Sec. 7. Section 14, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.480 are each amended to read as follows:

When a violation has occurred which results in improper payment or nonpayment and a claim is made to the department and the payment is secured through the actions of the department the following charges will be made to the consignor for the action of the department in the matter:

(1) When reported within ~~((thirty))~~ sixty days from time of default, no charge.

(2) When reported ~~((thirty))~~ sixty days to ~~((one-hundred-eighty))~~ two hundred forty days from time of default, five percent.

(3) When reported after ~~((one-hundred-eighty))~~ two hundred forty days from time of default, ten percent."

On page 1, line 11 of the title after "20.01.430;" insert "amending section 14, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.480; and" and on line 12 after "RCW" strike the semicolon and insert a period and strike the remainder of the title.

Signed by Representatives Kilbury, Chairman; Boldt, Vice Chairman; Deccio, Flanagan, Hansen, Haussler, Laughlin, Schumaker.

To Committee on Rules for second reading.

February 2, 1976

HOUSE BILL NO. 1565, Prime Sponsor: Representative Sommers, revising statutes pertaining to advisory nursing home council. Reported by Committee on State Government.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Sommers, Chairwoman; Ehlers, Vice

Chairman; Bender, Hendricks, Hurley (Margaret), Leckenby, Nelson, O'Brien, Polk, Williams.

To Committee on Rules for second reading.

February 3, 1976

HOUSE BILL NO. 1601, Prime Sponsor: Representative Charnley, increasing insurance coverage required for auto transportation companies to obtain certificate of operation. Reported by Committee on Financial Institutions.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Fischer, Vice Chairman; Bagnariol, Blair, Leckenby, Lux, Moon, Pardini.

To Committee on Rules for second reading.

February 2, 1976

HOUSE CONCURRENT RESOLUTION NO. 47, Prime Sponsor: Representative Randall, directing that the department of revenue, other agencies, and legislative staff personnel undertake a study of the state and local energy tax system. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: Do pass. Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Bagnariol, Hawkins, Hurley (George), Kilbury, Moon, Sommers, Williams.

To Committee on Rules for second reading.

February 3, 1976

HOUSE JOINT RESOLUTION NO. 65, Prime Sponsor: Representative Randall, amending the Constitution to permit current use assessment of designated historic sites and improvements thereon. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 15 strike "and improvements thereon"

Signed by Representatives Erickson, Vice Chairwoman; Brown, Hawkins, Hurley (George), Kilbury, Moon, Pardini, Sommers, Williams.

To Committee on Rules for second reading.

SECOND READING

HOUSE JOINT RESOLUTION NO. 15, by Representatives Thompson, Wilson, Bauer, Laughlin and Zimmerman:

Amending the Constitution to authorize approval of special levies by majority vote and permitting a single election in each twelve month period.

The resolution was read the second time.

(For previous action, see Journal, Twenty-fifth Day, 2nd ex. sess., January 29, 1976.)

The Speaker Pro Tem stated the question before the House to be the amendment to page 1, beginning on line 22.

Mr. Brown moved adoption of the following amendment to the amendment:

On page 1, line 6 after "oftener than" strike "twice" and insert "once"

Representatives Brown and Thompson spoke in favor of the amendment, and it was adopted.

On motion of Mr. Brown, the following amendment to the amendment was adopted:

On page 1, beginning on line 19 after "PROVIDED, That" strike all material down to and including "general election" on line 23 and insert "when any school district seeks to levy such additional tax by submission of a proposition for such purpose to its electors"

The amendment by Mr. Thompson as amended was adopted.

House Joint Resolution No. 15 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Joint Resolution No. 15 was placed on final passage.

Representatives Thompson, Zimmerman, Laughlin, King and Brown spoke in favor of the resolution, and Representatives Newhouse, Leckenby, Flanagan and Kalich spoke against it.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "I want to be sure that my premise is correct. This provision as now amended, if I understand it correctly, by adopting the Brown amendment to your amendment, eliminates the possibility of submitting a special levy twice in a twelve-month period and restricts it to once in a twelve-month period. Is that correct?"

Mr. Thompson: "That is correct."

Mr. Kuehnle: "Then pursuing that one step further, it would appear to me that in an effort to try to solve one problem we have created another. We have some other special levies, we have some other special service districts that have some real problems also. It would appear to me that eliminating the capability, for example, of my fire district to resubmit a special levy takes away from them an opportunity to pass a levy. They do not benefit from the fifty percent proviso because that applies to school districts so it would appear to me that we have traded off the double submission on the part of a school district for a fifty percent validation, but in the meanwhile we have eliminated the double submission possibility for the fire district but we haven't given the fifty percent validation benefit."

Mr. Thompson: "I think you have made an incorrect interpretation of this amendment. Representative Brown has drafted the proviso to apply exclusively in both respects to school districts."

Mr. Kuehnle: "I'd like to get the issue clarified because the language says, 'by any taxing district except as otherwise provided in this subsection.' Then it goes on to change twice to once. I therefore, think that eliminates the double submission for any taxing district. Then we go on down to the proviso, the fifty percent vote thing, and that deals only with school districts. I am of the opinion that we stabbed the fire districts and the other junior taxing districts and unless someone can prove me wrong, I think it's a very good reason to vote against this."

Mrs. Hurley (Margaret) spoke in opposition to the resolution.

MOTION

On motion of Mr. Thompson, further action on Engrossed House Joint Resolution No. 15 was deferred, and the resolution was ordered placed at the top of tomorrow's third reading calendar.

MOTION

Mr. Pardini moved that consideration of House Bill No. 10 on second reading be deferred, and that the bill be placed at the bottom of today's second reading calendar.

Mr. Pardini spoke in favor of the motion.

ADMONITION BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Pardini, you are going into the overall merits of the bill. Will you hold your comments to the motion?"

Mr. Pardini continued his remarks in favor of the motion, and Mr. King spoke against it.

ROLL CALL

The Clerk called the roll on the motion to defer consideration of House Bill No. 10, and the motion was lost by the following vote: Yeas, 38; nays, 52; not voting, 6.

Voting yea: Representatives Amen, Barnes, Bausch, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gaines, Gilleland, Greengo, Haley, Hansey, Hendricks, Jueling, Kuehnle, Leckenby, Lee, Martinis, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochran, Conner, Douthwaite, Ehlers, Eng, Erickson, Fortson, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams, Wojahn.

Not voting: Representatives Ceccarelli, Fischer, Hayner, Matthews, Perry, Sawyer.

HOUSE BILL NO. 10, by Representatives Kilbury, Boldt and Cochrane:

Establishing open primary elections.

The bill was read the second time.

On motion of Mr. Hawkins, Substitute House Bill No. 10 was substituted for House Bill No. 10, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 10 was read the second time.

MOTION

Mr. Pardini moved that further consideration of Substitute House Bill No. 10 be indefinitely postponed.

Representatives Pardini and Newhouse spoke in favor of the motion, and Mr. King spoke against it.

Mr. Bender demanded an electric roll call and the demand was sustained.

Representatives Brown and Chandler spoke in favor of the motion, and Representatives Hawkins, Hurley (George) and Kilbury spoke against it.

POINT OF ORDER

Mr. Ehlers: "The last few speakers on both sides of the issue seem to be debating the merits of the bill rather than the motion to postpone."

SPEAKER PRO TEM'S RULING

The Speaker Pro Tem: "The motion to indefinitely postpone opens up the subject matter completely."

Representatives Chandler and Berentson spoke in favor of the motion.

Mr. Thompson demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to indefinitely postpone further consideration of Substitute House Bill No. 10, and the motion was carried by the following vote: Yeas, 46; nays, 45; not voting, 5.

Voting yea: Representatives Adams, Amen, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Juelling, Kalich, Kuehne, Leckenby, Lee, Martinis, Matthews, McCormick, Nelson, Newhouse, North, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Sommers, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fischer, Fortson, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, King, Knowles, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, O'Brien, Parker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Valle, Warnke, Williams.

Not voting: Representatives Ceccarelli, Laughlin, Perry, Randall, Sawyer.

EXPLANATION OF VOTE

I was off the floor consulting with a constituent and was unable to vote. Had I been present I would have voted No.

EUGENE L. LAUGHLIN, 17th District.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

HOUSE JOINT RESOLUTION NO. 25, by Representatives King, Erickson and Laughlin:

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.

The resolution was read the second time.

On motion of Mr. Hawkins, the following amendments by Representatives Hawkins and King were adopted:

On page 1, line 3 after "the" strike "1975" and insert "1976"

On page 1, line 12 after "provisions of" strike "House Bill No. . . . (Chapter, Laws of 1975)" and insert "chapter . . . (House Bill No. 1328), Laws of 1975-'76 2nd ex. sess."

On page 1, following line 15 insert the following:

"BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing ballot proposition to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Mr. Eikenberry moved adoption of the following amendment by Representatives Eikenberry and Erickson:

On page 1, line 13 after "1975)" insert "with the limitation that the granting of the legislative power to impose any tax on income may only be subject to approval and ratification or rejection by the people as a ballot proposal separate from the other proposals of the convention"

MOTION

On motion of Mr. Thompson, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Nelson, Perry and Sawyer, who were excused.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business.

THIRD READING

SPECIAL ORDER OF BUSINESS

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, by Committee on Education (Originally sponsored by Representatives Bauer, Whiteside, Boldt, Ehlers, Dunlap and Warnke):

Changing the law relating to contractual rights of school district certificated employees.

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

Mr. Thompson demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Ceccarelli, Nelson, Perry and Sawyer.

MOTION

Mr. Thompson moved that the absent members be excused and the House proceed with business under the Call of the House.

The motion was lost.

Mr. Thompson again moved that the absent members be excused and that the House proceed with business under the Call of the House, and the motion was carried.

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1364.

Mr. Bauer spoke in favor of passage of the bill, and Mr. Eikenberry spoke against it.

Mr. Charette spoke in favor of the bill.

POINT OF ORDER

✓ Mr. Pardini: "My good friend from the country is letting the steam build up and he appears to be moving away from the subject before the House, Mr. Speaker."

✓ The Speaker Pro Tem: "House Rule 50 states, 'When any member is about to speak in debate or deliver any matter to the House the member shall rise and respectfully address the

Speaker, pause until recognized, shall confine all remarks to the question under debate, and avoid personalities; and no member shall impugn the motive of any member's vote or argument.' It's the position of the Speaker that perhaps we should adhere rather closely to that rule."

POINT OF PARLIAMENTARY INQUIRY

✓ Mr. Charette: "Does the rule apply equally to bankers and lawyers as it does to those of us from the rural areas?"

The Speaker Pro Tem: "You are a very able speaker and you articulate well. Let's hold your argument right to the main question and avoid personalities and do not mention any person's name."

Mr. Charette: "Mr. Speaker, what I would say about Representative Eikenberry is privileged on the floor of the House but wouldn't be out in the gallery."

✓ The Speaker Pro Tem: "Will you please omit any reference to Representative Eikenberry in your comments?"

POINT OF ORDER

✓ Mr. Eikenberry: "I believe the rule you just read requires the member to remain at his desk rather than walking to the front of the room when he is addressing the House."

✓ The Speaker Pro Tem: "He is remaining at his desk; you can speak from the front of the desk."

Mr. Charette continued his remarks in favor of the bill, and Mr. Deccio spoke against passage of the bill.

POINT OF ORDER

Mr. Charette: "Mr. Speaker, we are under the Call of the House, and if I'm going to have to listen to this and it's outside the rules, I would like to be excused."

The Speaker Pro Tem: "Representative Deccio, I think you should eliminate any comment to special interests and to your own personal opinion. Hold your remarks to the question at hand and that's the final passage of Engrossed Substitute House Bill No. 1364."

Mr. Deccio continued his remarks in opposition to the bill.

POINT OF INQUIRY

Mr. Charette yielded to question by Mrs. Hurley (Margaret).

Mrs. Hurley (M.): "My question relates to yesterday's amendment. I realize that there is a provisional period for new teachers of one year, and does this mean the institution of a new type of contract which would be a provisional contract for the teachers because it was enclosed in that amendment that the teachers could not appeal to the courts?"

Mr. Charette: "No, I don't believe it does provide for a new contract although it does say there is a probationary period of one year. I don't believe that portion of the renewing contract law has been amended that would require the school board to give notice of either renewal or nonrenewal by April 15th. In this case when we are talking about a year in the statutes, we are really not talking about a school year."

Mr. Hurley (George) spoke in favor of passage of the bill, and Mrs. Hayner spoke against it.

Mr. Eikenberry rose to speak to the bill.

POINT OF ORDER

Mr. Charette: "I believe Representative Eikenberry has already spoken on this bill. Don't the rules require that you only be allowed to speak once?"

The Speaker Pro Tem: "The members may speak twice on the bill."

Mr. Eikenberry spoke against passage of the bill, stating that he would vote for it.

Mr. Pardini spoke in favor of the bill, and Mr. Berentson spoke against it.

POINT OF PERSONAL PRIVILEGE

✓ Mr. Pardini: "I would want to point out that somewhere in the debate the comment was made that there were lobbyists in the wings. I've seen enough of that in the newspapers and I anticipated that argument might be made. As a result of that, Representative Charette and I, who offered the amendments yesterday, specifically requested that any lobbyists associated with education be removed from the wings by the Sergeant at Arms. I make the assumption that request was carried out by the Sergeant at Arms and that should make it very clear to everyone here on the floor that there were no lobbyists in the wings to the best of my knowledge. Last, on personal privilege, if you are talking about financial consideration and influence, I submit, for whatever it may be worth, my contribution from the WEA to my campaign last time was either \$200 or \$250. I can assure you it really didn't make that big a difference."

Representatives Conner and Moon spoke in favor of the bill.

Mr. Charnley demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1364, and the bill passed the House by the following vote: Yeas, 70; nays, 22; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Blair, Boldt, Brown, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, Knowles, Laughlin, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Pardini, Paris, Parker, Peterson, Polk, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wajahn, Zimmerman.

Voting nay: Representatives Bausch, Berentson, Bond, Chandler, Dunlap, Erickson, Flanagan, Freeman, Gilleland, Hansey, Hayner, Juelling, Kalich, King, Kuehnle, Leckenby, Matthews, Newhouse, Patterson, Schumaker, Sommers, Warnke.

Not voting: Representatives Ceccarelli, Nelson, Perry, Sawyer.

Engrossed Substitute House Bill No. 1364, having received the 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 Mr. Thompson, the House advanced to the eighth order of business.

On motion of Mr. Bender, HOUSE BILL NO. 1316 was rereferred from Committee on Ways and Means - Appropriations to Committee on Social and Health Services.

On motion of Mr. Bender, HOUSE BILL NO. 1516 was rereferred from Committee on Judiciary to Committee on Local Government.

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Thursday, February 5, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

THIRTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, February 5, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Perry, Sawyer and Williams. Representatives Ceccarelli, Sawyer and Williams were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard Lynn Martin and John Hatrick. Prayer was offered by the Reverend Lester G. Olsen of the Gloria Dei Lutheran Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

February 4, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 2786,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3028,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2786, by Committee on Education (Originally sponsored by Senator Stortini):

Mandating rules and regulations for disciplining, suspending or expelling of students in the common schools.

To Committee on Education

ENGROSSED SUBSTITUTE SENATE BILL NO. 3028, by Committee on Education (Originally sponsored by Senators Stortini, Newschwander and Sellar):

Providing for professional development and evaluation of school district certificated employees.

To Committee on Education

REPORTS OF STANDING COMMITTEES

February 2, 1976

HOUSE BILL NO. 689, Prime Sponsor: Representative Blair, revising laws on minor offenses involving marihuana. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives Adams, Chairman; Becker, Cochrane, Eng, Fortson, Haley, Hanna, Jastad, Peterson, Lux.

MINORITY recommendation: Do not pass. Signed by Representatives Parker, Vice Chairman; Fischer, Paris, Tilly.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 822, Prime Sponsor: Representative Sommers, deleting the state anti-monopoly board from review of certain actions involving copyrights. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner, Sherman.

To Committee on Rules for second reading.

February 2, 1976

HOUSE BILL NO. 993, Prime Sponsor: Representative Conner, regulating environmentally hazardous wastes. Reported by Committee on Ways and Means – Appropriations.

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Shinpoch, Chairman; Bagnariol, Bauer, Bausch, Blair, Boldt, Charette, Ehlers, Gaspard, May, McKibbin, Smith (Edward), Thompson, Valle, Warnke.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1248, Prime Sponsor: Representative Warnke, excluding private school buses from license fee exemptions. Reported by Committee on Commerce.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 19 after "section" insert "unless the vehicles are leased to and used by the school district for school district purposes exclusively"

Signed by Representatives Warnke, Chairman; Jastad, Vice Chairman; Dunlap, Gaines, Greengo, Bausch, Wojahn.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1293, Prime Sponsor: Representative May, exempting certain theatre employees from minimum wage laws. Reported by Committee on Labor.

MAJORITY recommendation: The substitute bill be substituted therefor and that the substitute bill do pass. Signed by Representatives King, Chairman; McKibbin, Vice Chairman; Cochrane, Freeman, Gilleland, Fischer, Matthews, Clemente, Parker.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1307, Prime Sponsor: Representative Smith (Rick), allowing limited wage garnishment for child support. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 7 insert an additional section as follows:

"Sec. 2. Section 9, chapter 164, Laws of 1971 ex. sess. as amended by section 10, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.090 are each amended to read as follows:

Whenever a support lien or order to withhold and deliver is served upon any person, firm, corporation, association, political subdivision, or department of the state asserting a support debt against earnings and there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state, any such earnings, RCW 7.33.280 shall not apply, (~~but fifty percent~~) and the percentages provided in this section of the disposable earnings shall be exempt and may be disbursed to the debtor whether such earnings are paid, or to be paid weekly, monthly, or at other regular intervals and whether there be due the debtor earnings for one week or for a longer period. If such earnings equal: Up to three hundred forty-nine dollars per month, seventy-five percent shall be exempt; three hundred fifty to four hundred ninety-nine dollars per month, sixty-five percent shall be exempt; five hundred to six hundred forty-nine dollars per month, fifty-five percent shall be exempt; six hundred fifty dollars or more per month, fifty percent shall be exempt. The lien or order to withhold and deliver shall continue to operate and require said person, firm, corporation, association, political subdivision, or department of the state to withhold the nonexempt portion of earnings at each succeeding earnings disbursement interval until the entire amount of the support debt stated in the lien or order to withhold and deliver has been withheld. As used in this chapter, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments by any department or division of the state based upon inability to work or obtain employment. Earnings shall specifically include all gain derived from capital, from labor, or from both combined, including profit gained through sale or conversion of capital assets. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount be required by law to be withheld."

In line 1 of the title, after "garnishment;" strike "and"

In line 3 of the title, after "7.33.280" and before the period insert "; and amending section 9, chapter 164, Laws of 1971 ex. sess. as amended by section 10, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.090"

Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Gaspard, Hayner, Hanna, Sherman.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1339, Prime Sponsor: Representative Hanna, revising the definition of the crime of prostitution. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner, Sherman.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1342, Prime Sponsor: Representative Tilly, establishing procedures for payment of costs by convicted criminal defendants. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner, Sherman.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1352, Prime Sponsor: Representative Seeberger, prohibiting paint sniffing. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner, Sherman.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1409, Prime Sponsor: Representative King, including law enforcement officers of class A counties as "uniformed personnel" for collective bargaining purposes. Reported by Committee on Labor.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 5 after "WASHINGTON:" add a new section to read as follows:

"Section 1. Section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020 are each amended to read as follows:

This chapter shall apply to any county or municipal corporation, juvenile court, municipal court, district court, or any political subdivision of the state of Washington, except as otherwise provided by RCW 47.64.030, 47.64.040, 54.04.170, 54.04.180, (~~28-72.010 through 28-72.090~~) chapter 41.59 RCW, and chapter 53.18 RCW."

Renumber the remaining sections consecutively.

On page 2, line 12 strike "class A or AA counties" and insert "any county ((AA counties))"

On line 1 of the title after "bargaining;" insert "amending section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020;"

Signed by Representatives King, Chairman; McKibbin, Vice Chairman; Cochrane, Fischer, Clemente, Parker.

MINORITY recommendation: Do not pass. Signed by Representatives Freeman, Gilleland, Matthews.

To Committee on Rules for second reading.

February 3, 1976

HOUSE BILL NO. 1454, Prime Sponsor: Representative Cochrane, creating the office of nursing home ombudsman. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Cochrane, Fischer, Fortson, Greengo, Haley, Lux, Peterson, Tilly.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1466, Prime Sponsor: Representative Knowles, 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 Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner, Sherman.

To Committee on Rules for second reading.

February 3, 1976

HOUSE BILL NO. 1504, Prime Sponsor: Representative Thompson, permitting payment of parolees on supported work projects through such projects. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Cochrane, Deccio, Eng, Fischer, Fortson, Greengo, Haley, Hanna, Lux, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1515, Prime Sponsor: Representative Maxie, modifying certain labor laws in regard to domestic service. Reported by Committee on Labor.

MAJORITY recommendation: Do pass. Signed by Representatives King, Chairman; McKibbin, Vice Chairman; Cochrane, Fischer, Clemente, Parker.

MINORITY recommendation: Do not pass. Signed by Representatives Freeman, Gilleland, Matthews.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1555, Prime Sponsor: Representative Parker, requiring additional future increases in the minimum wage. Reported by Committee on Labor.

MAJORITY recommendation: Do pass. Signed by Representatives King, Chairman; McKibbin, Cochrane, Fischer, Clemente, Parker.

MINORITY recommendation: Do not pass. Signed by Representatives Freeman, Gilleland, Matthews.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1581, Prime Sponsor: Representative Thompson, defining the term "week" for purposes of unemployment compensation. Reported by Committee on Labor.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives King, Chairman; McKibbin, Vice Chairman; Cochrane, Fischer, Clemente, Parker.

To Committee on Rules for second reading.

February 3, 1976

HOUSE BILL NO. 1583, Prime Sponsor: Representative Moreau, implementing law relating to granting of new degrees in the state colleges. Reported by Committee on Higher Education.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 13 after "That" insert "before"

On page 1, line 14 after "degree" insert "is"

On page 1, line 14 after "(impact))" insert "it"

On page 1, line 28 after "committees on" insert "higher education and"

Signed by Representatives Moreau, Vice Chairman; Nelson, Patterson, Peterson, Wojahn.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business.

THIRD READING

REENGROSSED HOUSE BILL NO. 1330, by Representatives Fortson and Hawkins:
Amending procedures for contesting elections.

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

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "If my memory serves correctly, this bill is on reconsideration, isn't it? This bill failed one time and the motion for reconsideration was carried?"

The Speaker Pro Tem: "The motion to reconsider carried; therefore, we have the bill once again on final passage."

Representatives Fortson and King spoke in favor of passage of the bill, and Representatives Pardini, Brown and Newhouse spoke against it.

ROLL CALL

The Clerk called the roll on reconsideration of the final passage of Reengrossed House Bill No. 1330, and the bill failed to pass the House by the following vote: Yeas, 46; nays, 44; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Laughlin, Lux, Lysen, Martinis, McCormick, Moon, Moreau, North, O'Brien, Parker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Warnke, Wojahn.

Voting nay: Representatives Amen, Berentson, Blair, Bond, Brown, Chandler, Curtis, Decchio, Dunlap, Ehlers, Eikenberry, Eng, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Knowles, Kuehnle, Leckenby, Lee, Matthews, Maxie, May, McKibbin, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Sommers, Tilly, Valle, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Ceccarelli, Erickson, Jueling, Perry, Sawyer, Williams.

Reengrossed House Bill No. 1330, having failed to receive the constitutional majority, was declared lost.

MOTION

Mr. Thompson moved that **ENGROSSED HOUSE BILL NO. 1286** be rereferred to Committee on Rules.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Polk.

Mr. Polk: "If the Agriculture Committee Chairman says the bill has significant unresolved problems, why isn't the motion to return it to the Agriculture Committee so that they can work on those problems rather than to send it to the Rules Committee?"

Mr. Thompson: "Those problems might result in no change to the bill in which case it would be in the Rules Committee and available for consideration."

The motion was carried.

ENGROSSED 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 third time and placed on final passage.

MOTIONS

On motion of Mr. Thompson, the rules were suspended and Engrossed House Bill No. 1404 was returned to second reading for the purpose of amendment.

On motion of Mr. Thompson, further consideration of Engrossed House Bill No. 1404 was deferred, and the bill was ordered placed at the top of the second reading calendar.

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.

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

POINT OF INQUIRY

Mr. Kuehnle yielded to question by Mr. Paris.

Mr. Paris: "Representative Kuehnle, in your opinion will the passage of this bill increase the consumption of alcoholic beverages at public or athletic events?"

Mr. Kuehnle: "I think the only honest answer I could give you would be in the affirmative. I suspect that anytime you make liquor somewhat more readily available, which is being done by the authorization to create satellite bars, and also making it possible for the customer to buy the drink and take it to his seat and drink it, I think the honest answer would be yes, this could have the affect of increasing alcohol consumption."

Representatives Warnke and Kuehnle spoke in favor of passage of the bill, and Representatives Paris, Hayner and Wojahn spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1107, and the bill failed to pass the House by the following vote: Yeas, 41; nays, 49; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Bausch, Blair, Brown, Charette, Charnley, Conner, Curtis, Deccio, Douthwaite, Eikenberry, Gaines, Gallagher, Gaspard, Gilleland, Haley, Hanna, Hansen, Haussler, Hurley G. S., Jastad, King, Knowles, Kuehnle, Laughlin, Lux, May, McKibbin, Newhouse, O'Brien, Parker, Peterson, Polk, Randall, Schumaker, Shinpoch, Smith E. P., Smith R., Sommers, Warnke.

Voting nay: Representatives Amen, Barnes, Bauer, Becker, Bender, Berentson, Boldt, Bond, Chandler, Clemente, Cochrane, Dunlap, Ehlers, Erickson, Fischer, Flanagan, Fortson, Freeman, Greengo, Hansey, Hawkins, Hayner, Hendricks, Hurley M., Juelling, Kalich, Kilbury, Leckenby, Lee, Lysen, Martinis, Matthews, Maxie, McCormick, Moon, Moreau, North, Pardini, Paris, Patterson, Seeberger, Sherman, Thompson, Tilly, Valle, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Ceccarelli, Eng, Nelson, Perry, Sawyer, Williams.

Engrossed Substitute House Bill No. 1107, having failed to receive the constitutional majority, was declared lost.

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.

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

Representatives Nelson and Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1336, and the bill passed the House by the following vote: Yeas, 88; nays, 2; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Leckenby, Parker.

Not voting: Representatives Ceccarelli, Kuehnle, Perry, Sawyer, Smith R., Williams.

Engrossed Substitute House Bill No. 1336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE JOINT RESOLUTION NO. 15, by Representatives Thompson, Wilson, Bauer, Laughlin and Zimmerman:

Amending the Constitution to authorize approval of special levies by majority vote and permitting a single election in each twelve month period.

MOTION

On motion of Mr. Thompson, the rules were suspended, and Engrossed House Joint Resolution No. 15 was returned to second reading for the purpose of amendment.

The resolution was read the second time.

Mr. Brown moved adoption of the following amendment by Representatives Brown and Thompson:

On page 1, beginning with line 22 strike all material down to and including "election))" on page 2, line 8 and insert the following:

"(a) By any taxing district, except as otherwise provided in this subsection, when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election, except as otherwise provided in this subsection, the number of persons voting 'yes' on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceed forty per centum of the total votes cast in such taxing district in the last preceding general election: PROVIDED, That when any school district seeks to levy such additional tax, it may submit a proposition for such purpose to the qualified electors of the school district, but any such proposition shall be submitted only once in any twelve-month period, and a majority of at least fifty per centum of the electors thereof voting on the proposition shall constitute authorization;"

Mr. Brown spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Brown yielded to question by Mr. Newhouse.

Mr. Newhouse: "In reading your language, Representative Brown, I look at the possibility that there may be an exact tie and your language says 'a majority of at least fifty percent.' I can see an exact tie, by your definition, would be a majority, and I don't think that's sufficient."

Mr. Brown: "A majority requires one more than fifty percent and we are saying at least fifty percent. That's the same language as used above on the forty percent, exactly the same language that's already in the Constitution."

The amendment was adopted.

Engrossed House Joint Resolution No. 15 was ordered reengrossed.

Mr. Thompson moved that the rules be suspended, the second reading considered the third, and Reengrossed House Joint Resolution No. 15 be placed on final passage.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "I'm not trying to hold up the proceedings, but I want to attempt to clarify something and make sure another amendment is not necessary. In your opinion, the way the language is now drafted, does a school district have the option of going the one submission fifty percent route, or in the alternative, going the two submission, sixty percent route?"

Mr. Thompson: "That latter alternative would not exist if this measure is approved by the legislature and subsequently approved by the people."

Mr. Kuehnle: "You are confident it's not there?"

Mr. Thompson: "I have that confidence."

The motion to advance the resolution to third reading and final passage was carried.

Representatives Thompson, Smith (Rick), Brown, Charnley, Peterson, McKibbin and Hurley (George) spoke in favor of passage of the resolution, and Representatives Newhouse, Schumaker, Flanagan, Hansen, Eikenberry and Greengo spoke against it.

Mr. Knowles demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Joint Resolution No. 15, and the resolution failed to receive the necessary two-thirds majority by the following vote: Yeas, 52; nays, 40; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Blair, Boldt, Brown, Charnley, Clemente, Cochrane, Conner, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Gilleland, Haley, Hanna, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, McKibbin, Moon, North, O'Brien, Paris, Peterson, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Amen, Barnes, Becker, Berentson, Bond, Chandler, Charette, Curtis, Decchio, Eikenberry, Flanagan, Freeman, Gallagher, Greengo, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kuehnle, Leckenby, Lee, Matthews, May, McCormick, Moreau, Nelson, Newhouse, Pardini, Parker, Patterson, Polk, Randall, Schumaker, Tilly, Wojahn.

Not voting: Representatives Ceccarelli, Perry, Sawyer, Williams.

Reengrossed House Joint Resolution No. 15, having failed to receive the necessary two-thirds majority, was declared lost.

SPEAKER PRO TEM'S PRIVILEGE

The Speaker Pro Tem recognized within the bar of the House the 1975 Dairy Princess, and appointed Representatives Becker, Erickson and Moreau to escort her to the rostrum.

The Speaker Pro Tem introduced Queen Janet Noteboom from Whatcom County and she addressed the House briefly.

The Speaker Pro Tem requested the committee to escort Queen Noteboom from the House Chamber.

The Speaker Pro Tem recognized with the bar of the House the Stanwood Camano Fair Royalty, and appointed Representatives Fortson, North, Hansen, Wilson, Berentson and Hansey to escort them to the rostrum.

The Speaker introduced Queen Julie Gilmore and Princesses Molly Ronnestad and Julie Hopper. Queen Julie addressed the House briefly, inviting the members to attend the Stanwood Camano Fair.

The Speaker Pro Tem requested the committee to escort the girls from the House Chamber.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 4, 1976

HOUSE BILL NO. 1451, Prime Sponsor: Representative Hayner, permitting the use in evidence of blood sample reports made by the state toxicologist. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1654, Prime Sponsor: Representative Pardini, enacting the business coordination act. Reported by Committee on Commerce.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Warnke, Chairman; Jastad, Vice Chairman; Bausch, Curtis, Dunlap, Gaines, Greengo, Kuehnle.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Curtis, Perry, Sawyer and Williams. Representatives Ceccarelli, Curtis, Sawyer and Williams were excused.

REPORTS OF STANDING COMMITTEES

February 4, 1976

HOUSE BILL NO. 1567, Prime Sponsor: Representative Hanna, requiring restitution from criminals. Reported by Committee on Judiciary.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner, Sherman.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1593, Prime Sponsor: Representative Eikenberry, deleting any liability for withdrawing blood when directed by a law enforcement officer. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 12 after "RCW 46.20.308" insert ": PROVIDED, That nothing in this section shall relieve any physician, registered nurse, qualified technician, or hospital or duly licensed clinical laboratory from civil liability arising from the use of improper procedures or failing to exercise the required standard of care"

Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner, Sherman.

To Committee on Rules for second reading.

SECOND READING

ENGROSSED 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.

Mr. Bauer moved adoption of the following amendment:

On page 1, line 14 of the engrossed bill after "purposes" insert a period and strike the remainder of the bill.

Representatives Bauer and Hayner spoke in favor of the amendment, and it was adopted.

Engrossed House Bill No. 1404 was ordered reengrossed.

On motion of Mr. Bender, the rules were suspended, the second reading considered the third, and Reengrossed House Bill No. 1404 was placed on final passage.

Mr. Boldt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 1404, and the bill passed the House by the following vote: Yeas, 71; nays, 5; not voting, 20.

Voting yea: Representatives Adams, Barnes, Bauer, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charnley, Clemente, Cochrane, Conner, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins,

Hayner, Hendricks, Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Smith E. P., Smith R., Sommers, Thompson, Valle, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Gallagher, Maxie, Shinpoch, Wojahn.

Not voting: Representatives Amen, Bausch, Becker, Ceccarelli, Charette, Curtis, Deccio, Eikenberry, Flanagan, Gaspard, Hurley G. S., Jueling, Leckenby, Newhouse, Pery, Sawyer, Tilly, Warnke, Whiteside, Williams.

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.

MOTIONS

Mr. Thompson moved that the following bills be advanced to the top of today's second reading calendar in the following order: Substitute House Bill No. 37, House Bill No. 455, Engrossed House Bill No. 802, House Bill No. 1313 and House Bill No. 1335.

Mr. Pardini moved that the motion be amended to include House Bill No. 1417 and House Bill No. 1479.

Mr. Thompson spoke against the motion to amend his motion, and Mr. Pardini spoke in favor of it.

The motion by Representative Pardini was lost.

The motion by Representative Thompson was carried.

SUBSTITUTE HOUSE BILL NO. 37, by Committee on Constitution and Elections (Originally sponsored by Representatives King, Fortson and Parker):

Setting forth dates special elections may be called.

The bill was read the second time.

Mr. Hawkins moved that Second Substitute House Bill No. 37 be substituted for Substitute House Bill No. 37, and the second substitute bill be placed on the calendar for second reading.

MOTION

Mr. Berentson moved that the Committee on Ways and Means be relieved of HOUSE BILL NO. 1478, and that it be placed on the second reading calendar.

SPEAKER PRO TEM'S RULING

The Speaker Pro Tem: "I recognized you because I thought you had a point of order or a point of personal privilege. I was in the midst of presenting Mr. Hawkins' motion; your motion will be in order after we determine the substitute bill."

The motion to substitute was carried.

MOTION

Mr. Berentson moved that the Committee on Ways and Means be relieved of HOUSE BILL NO. 1478, and that it be placed on the second reading calendar.

Representatives Berentson, Pardini, Hansey and Polk spoke in favor of the motion, and Representatives Shinpoch, Moon and Smith (Rick) spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Mr. Moon spoke again in opposition to the motion, and Mr. Pardini spoke again in favor.

Mr. Moon rose to speak against the motion.

POINT OF ORDER

Mr. Pardini: "Mr. Moon has already spoken twice on this subject."

The Speaker Pro Tem: "Your point of order is well taken."

POINT OF INQUIRY

Mr. Charnley asked Mr. Moon to yield to question.

The Speaker Pro Tem: "You may ask Representative Moon, but we may later have to decide whether Mr. Moon can reply to your question."

Mr. Charnley: "I wanted Mr. Moon to respond to the charges made by Representative Pardini."

The Speaker Pro Tem: "The Speaker will rule that question out of order."

POINT OF PERSONAL PRIVILEGE

Mr. Moon rose to a point of personal privilege.

The Speaker Pro Tem: "Mr. Moon, I will allow you to speak on a point of personal privilege because Mr. Pardini did specifically mention your name as one of the prime sponsors and you are charged with a certain amount of responsibility."

Mr. Pardini: "I may as well add the other sponsors of the bill then—Representative Charnley, Representative Charette, a few other people."

ADMONITION OF THE SPEAKER

The Speaker Pro Tem: "Representative Pardini, that's a pure violation of our rules."

Mr. Moon: "I'm on that bill and others are too, because we, at the time, realized the Governor's responsibility to use his emergency funds and we've put him on record that he should use his emergency funds for that purpose, but in the event he did not, we would have the opportunity by legislation to take care of this emergency."

Mr. Matthews spoke in favor of the motion.

Mr. Parker demanded the previous question and the demand was not sustained.

Mr. Berentson rose to speak to the motion.

POINT OF ORDER

Mr. Shinpoch: "Representative Berentson has spoken on this question twice."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "House Rule 52 states, 'No member shall speak more than twice on the same question without leave of the House: Provided, that the chairman/chairwoman of the committee or the mover of the question may close the debate except as provided in Rule 55. . . .' If there aren't any more speakers on this question, Representative Berentson may close debate."

Mr. Bagnariol spoke against the motion.

POINTS OF INQUIRY

Representative Matthews requested Representative Laughlin to yield to question, and he refused to yield.

Representative Matthews requested Representative Fischer to yield to question, and he refused to yield.

Mr. Matthews spoke in favor of the motion, and Mr. Berentson closed debate, again speaking in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion to relieve Ways and Means Committee of House Bill No. 1478 and place it on second reading, and the motion was lost by the following vote: Yeas, 41; nays, 49; not voting, 6.

Voting yea: Representatives Amen, Barnes, Becker, Berentson, Bond, Brown, Chandler, Charette, Deccio, Dunlap, Eikenberry, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Jueling, Kuehnie, Lee, Matthews, Moreau, Nelson, Newhouse, North, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Blair, Boldt, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Gaines, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis,

Maxie, May, McCormick, McKibbin, Moon, O'Brien, Parker, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Wojahn.

Not voting: Representatives Ceccarelli, Curtis, Leckenby, Perry, Sawyer, Williams.

SECOND SUBSTITUTE HOUSE BILL NO. 37, by Committee on Constitution and Elections (Originally sponsored by Representatives King, Fortson and Parker):

Setting forth dates special elections may be called.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Second Substitute House Bill No. 37 was placed on final passage.

Mr. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 37, and the bill passed the House by the following vote: Yeas, 89; nays, 1; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Gallagher.

Not voting: Representatives Ceccarelli, Curtis, Leckenby, Perry, Sawyer, Williams.

Second Substitute House Bill No. 37, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 455, by Representatives Thompson, Patterson and Erickson:

Regulating the determination and use of marine fuel tax moneys.

The bill was read the second time.

On motion of Mr. Randall, Substitute House Bill No. 455 was substituted for House Bill No. 455, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 455 was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute House Bill No. 455 was placed on final passage.

Mr. Randall spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Peterson.

Mr. Peterson: "Representative Randall, I'm reading just what you were talking about before—'... the costs of carrying out the provisions of this section shall be paid from such funds as the legislature may appropriate.' Do you know how much cost and when and how the legislature will appropriate them?"

Mr. Randall: "I don't have the cost of the study on the tip of my tongue, but I can get that for you in just a few minutes if you'd like. When it is to be appropriated would be determined while the legislature is in session. They would look at the cost requests, make a determination whether they should come from the motor vehicle funds, whether they should come from other funds or what percentage should each fund pay."

Mr. Peterson: "Is there a fiscal note on this bill?"

Mr. Randall: "Yes, there is. The total field survey collection costs run about \$120,000—\$119,700."

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 455, and the bill passed the House by the following vote: Yeas, 81; nays, 6; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wojahn, Zimmerman.

Voting nay: Representatives Eng, Fortson, Gallagher, Hansey, Matthews, Parker.

Not voting: Representatives Ceccarelli, Curtis, King, Leckenby, McKibbin, Perry, Sawyer, Williams, Wilson.

Substitute House Bill No. 455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker Pro Tem called on Mr. Charette to preside.

HOUSE BILL NO. 802, by Representatives Shipoch, Polk, Thompson and Wojahn:

Providing uniformity in payment of travel expenses for most state officials and employees.

The bill was read the second time.

On motion of Mr. Shipoch, Substitute House Bill No. 802 was substituted for House Bill No. 802 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 802 was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute House Bill No. 802 was placed on final passage.

Mr. Shipoch spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 802, and the bill passed the House by the following vote: Yeas, 85; nays, 2; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Gallagher, Parker.

Not voting: Representatives Bausch, Ceccarelli, Curtis, Leckenby, McKibbin, Perry, Sawyer, Warnke, Williams.

Substitute House Bill No. 802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. Thompson, consideration of House Bill No. 1313 was deferred, and the bill was ordered placed on the second reading calendar following House Bill No. 1470.

HOUSE BILL NO. 1335, by Representatives King, Matthews, Douthwaite, Savage, Charnley, Cochrane, Fischer, Moreau, Peterson, Williams and Wojahn:

Providing for collective bargaining at the state institutions of higher education.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1470, 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.

The bill was read the second time.

On motion of Mr. Knowles, Substitute House Bill No. 1470 was substituted for House Bill No. 1470, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1470 was read the second time.

On motion of Mr. Knowles, the following amendments were adopted:

On page 1, beginning on line 24 strike "incompetents including but not limited to,"

On page 3, strike all of lines 8 through 22 and insert the following:

"(1) Physicians licensed under chapters 18.71 or 18.57 RCW, dentists licensed under chapter 18.32 RCW, podiatrists licensed under chapter 18.22 RCW, nurses licensed under chapter 18.78 RCW or 18.88 RCW, psychologists licensed under chapter 18.83 RCW, chiropractors licensed under chapter 18.25 RCW, and pharmacists licensed under chapter 18.64 RCW who are members of review committees for medical, dental, podiatric, nurse, psychologist, chiropractic, or pharmaceutical societies, and licensed hospitals, or committees whose duties require evaluation of credentials and qualifications of physicians, dentists, podiatrists, nurses, psychologists, chiropractors, or pharmacists 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 committees; 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.

The word 'hospital' as used in this section includes the hospital board of trustees or governing body and the hospital employees and staff."

On page 4, after line 5 add a new section to read as follows:

"NEW SECTION. Sec. 8. As used in this chapter 'health care provider' means either:

(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 part (1) above, 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 part (1) above, 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."

Remember the remaining sections consecutively.

On page 5, line 13 strike "medical" and insert "expert"

On page 5, line 18 strike "medically"

On page 5, line 20 strike "medically"

On page 5, line 22 strike "medically"

On page 5, line 29 after "competent" insert a comma

On page 5, line 30 after "competent" insert a comma

On page 5, line 31 after "following" insert a comma

On page 6, line 3 strike "medically"

On page 6, line 5 strike "medically"

On page 6, line 7 strike "medically"

On page 7, line 11 strike "Section 7 through 13" and insert "Sections 7 through 14"

Substitute House Bill No. 1470 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Substitute House Bill No. 1470 was placed on final passage.

Representatives Knowles, Haley and Seeberger spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Knowles yielded to question by Mr. Zimmerman.

Mr. Zimmerman: "We adopted a number of amendments a few minutes ago, and I wonder if you would tell us if these were submitted to the committee and weren't adopted?"

Mr. Knowles: "No, the only reason I can give you is the crowded time element we were faced with. We met last Saturday from 8 o'clock until 10 and adopted a surprising number of amendments to this bill, which are essentially the last four. These were things that came up later and they've been agreed to by all parties."

Mr. Zimmerman: "As far as the eight-year statute limitation on exemption to majority, how many people do you feel you are going to be dealing with at that point? Does that really make a major change?"

Mr. Knowles: "Under present statute there is no cap, this is in the area of discovery. This is the area where a foreign object will be found in a body after the original statute has run out or radiation or something of that nature. In current law there is no cap and what we're concerned with here is to weigh between about four percent of the cases. We've vacillated between; the House bill a year ago put a cap on of ten years and the Senate bill put a cap on of six years. In committee we've compromised and arrived at eight. It will mean some individuals will come under the discovery of a sponge in the body or something of that nature and may not be able to bring their action because the time will run out on them. On the other hand, it's an expense to the insurance companies to maintain reserves against that contingency, so the question is how long are they going to have to maintain that reserve? I don't have the fear of foreign objects that I once did because we learned that now most hospitals are taking a very careful inventory of everything that goes into that operating room, that it all comes out. So I would say you will take your choice here; we felt eight years was a reasonable time to protect the insurance companies and hopefully not result in too many individuals not getting compensated."

Mr. Zimmerman: "You mentioned insurance companies. Is it logical or is it possible for the doctors to come to a self-insurance program that would be feasible?"

Mr. Knowles: "On the calendar for discussion tomorrow morning in our committee is a Senate bill to allow them to form their own insurance companies. We have made this suggestion many times to the medical people, but so far they have not requested that kind of legislation."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1470, and the bill passed the House by the following vote: Yeas, 88; nays, 2; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Maxie, Moon.

Not voting: Representatives Ceccarelli, Curtis, Leckenby, Perry, Sawyer, Williams.

Engrossed Substitute House Bill No. 1470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Deccio moved that SENATE BILL NO. 3081 be rereferred from Committee on Ecology to Committee on Agriculture.

POINT OF ORDER

Mr. Thompson: "It appears to me, Mr. Speaker, that this motion was made in the wrong order of business."

The Speaker (Mr. Charette presiding): "Mr. Thompson, your point of order is well taken; this motion would be proper in the eighth order of business."

POINT OF ORDER

Mr. Deccio: "Doesn't this fall in the same sequence that Representative Berentson's motion a short while ago to relieve Ways and Means Committee of a bill?"

SPEAKER'S RULING (MR. CHARETTE PRESIDING)

The Speaker (Mr. Charette presiding): "The Speaker rules that Representative Berentson was attempting to place a bill on the second reading calendar which was in the proper order of business. You are attempting to remove a bill from one committee to another, which the Speaker believes should properly be under the eighth order of business."

NOTICE OF RECONSIDERATION

Mr. Kalich, having voted on the prevailing side, served notice that he would, on the next working day, move for reconsideration of the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107 failed to pass the House.

HOUSE BILL NO. 1313, by Representatives Ehlers, Shinpoch, Bagnariol and Zimmerman:

Creating the Washington Library Networks Revolving Fund.

The bill was read the second time.

Mr. Douthwaite moved adoption of the following amendment by Representatives Douthwaite and Thompson:

On page 1, line 4 strike all of section 1 and insert the following:

"NEW SECTION. Section 1. As used in this act the automated library system is the data processing component of the Washington library network which consists of communication facilities, computers and computer peripheral devices."

Mr. Douthwaite spoke in favor of the amendment, and Representatives Shinpoch and Pardini spoke against it.

MOTION

On motion of Mr. Thompson, further consideration of House Bill No. 1313 was deferred, and the bill was ordered placed at the bottom of the second reading calendar.

The Speaker Pro Tem resumed the Chair.

HOUSE BILL NO. 1417, by Representatives Peterson, Becker, Fischer, Hanna, Deccio and Fortson:

Providing for child welfare services.

The bill was read the second time.

Committee on Social and Health Services recommendation: Majority, do pass as amended. (For amendment, see Journal, Twenty-sixth Day, 2nd ex. sess., January 30, 1976.)

On motion of Mr. Adams, the committee amendment was adopted.

House Bill No. 1417 was ordered engrossed.

Mr. Charnley moved that the rules be suspended, the second reading considered the third, and Engrossed House Bill No. 1417 be placed on final passage.

POINT OF INQUIRY

Mr. Peterson yielded to question by Mr. Eikenberry.

Mr. Eikenberry: "I'm sorry not to have checked with you or Representative Adams ahead of time as to this question. Would you explain why it's necessary to have this bill at all now that we have adopted the committee amendment to the bill? In other words, I'm just wondering whether or not this is creating a redundancy in the law."

Mr. Peterson: "I think the bill is attempting to attain some flexibility whereas the department now has to treat dependent children and delinquent children differently. Sometimes the only option for the delinquent children is juvenile court. This would allow them by rules and regulations under certain cases to allow children adjudicated as delinquent to go into group homes or even state facilities where that is appropriate."

The motion was carried.

Mr. Bauer spoke in favor of final passage of the bill.

POINT OF INQUIRY

Mr. Peterson yielded to question by Mr. Newhouse.

Mr. Newhouse: "With the committee amendment which inserts the word 'delinquent' before 'children,' the facilities here are for delinquent children, not for dependent children, is that it?"

Mr. Peterson: "Are you indicating that it is now limited to that?"

Mr. Newhouse: "It would appear to be under the option (b)."

Mr. Peterson: "As I read in the lines above, beginning on line 9, there it talks about the various facilities of the DSHS and uses the term 'children' only. Then option (b) differentiates in the case of these services, and the services referred to on page 2 are also available for delinquent children."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1417, and the bill passed the House by the following vote: Yeas, 88; nays, 0; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Ceccarelli, Curtis, Deccio, Leckenby, Perry, Sawyer, Sommers, Williams.

Engrossed House Bill No. 1417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1529, by Representatives Berentson, Thompson, Hansey and Gallagher:

Revising laws supporting county operated ferry systems.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and House Bill No. 1529 was placed on final passage.

Representatives Berentson and Hansen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1529, and the bill passed the House by the following vote: Yeas, 87; nays, 1, not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Conner.

Not voting: Representatives Ceccarelli, Curtis, Kuehnle, Leckenby, Perry, Randall, Sawyer, Williams.

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.

HOUSE BILL NO. 1479, by Representatives Bausch, Ehlers and Hendricks:

Designating the fourth Monday in May as Memorial Day.

The bill was read the second time.

Committee on State Government recommendation: Majority, do pass as amended. (For amendment, see Journal, Twenty-fourth Day, 2nd ex. sess., January 28, 1976.)

On motion of Ms. Sommers, the committee amendment was adopted.

House Bill No. 1479 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1479 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1479, and the bill passed the House by the following vote: Yeas, 63; nays, 25; not voting, 8.

Voting yea: Representatives Amen, Barnes, Bauer, Bausch, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charnley, Deccio, Douthwaite, Dunlap, Ehlers, Fischer, Flanagan, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Jastad, Jueling, Kalich, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, O'Brien, Pardini, Parker, Patterson, Peterson, Schumaker, Seeberger, Sherman, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bender, Charette, Clemente, Cochrane, Conner, Eikenberry, Eng, Erickson, Fortson, Gallagher, Hawkins, Hurley M., Kilbury, King, Martinis, Matthews, McCormick, North, Paris, Polk, Randall, Shinpoch, Smith R., Wojahn.

Not voting: Representatives Adams, Becker, Ceccarelli, Curtis, Leckenby, Perry, Sawyer, Williams.

Engrossed House Bill No. 1479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 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.

The bill was read the second time.

Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Nineteenth Day, 2nd ex. sess. January 23, 1976.)

On motion of Mr. Haussler, the committee amendments were adopted.

House Bill No. 1383 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1383 was placed on final passage.

Mr. Haussler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1383, and the bill passed the House by the following vote: Yeas, 87; nays, 0; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Ceccarelli, Curtis, Deccio, Leckenby, Perry, Peterson, Sawyer, Sommers, Williams.

Engrossed House Bill No. 1383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT RESOLUTION NO. 25, by Representatives King, Erickson and Laughlin:

Proposing for submission to the people the need for a constitutional convention to revise Constitution in accordance with guidelines set down by this session of the legislature.

The House resumed consideration of the resolution on second reading. (For previous action, see yesterday's Journal.)

Mr. Eikenberry moved adoption of the following amendment by Representatives Eikenberry and Erickson:

On page 1, line 13 after "1975" insert "with the limitation that the granting of the legislative power to impose any tax on income may only be subject to approval and ratification or rejection by the people as a ballot proposal separate from the other proposals of the convention"

Mr. Flanagan moved adoption of the following amendment by Representatives Flanagan and Amen to the Eikenberry/Erickson amendment:

After "convention" in the amendment insert ", and with the further limitation that the granting of such legislative power shall not affect the one percentum tax limitation in Article VII, Section 2 of the State Constitution"

Representatives Flanagan and Amen spoke in favor of the amendment to the amendment, and Representatives Eikenberry, Brown and Haley spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Flanagan and Amen to the Eikenberry/Erickson amendment to House Joint Resolution No. 25, and the amendment was not adopted by the following vote: Yeas, 35; nays, 52; not voting, 9.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Deccio, Dunlap, Flanagan, Fortson, Freeman, Gallagher, Gilleland, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley M., Jastad, Jueling, Kalich, Knowles, Kuehnl, May, McCormick, Newhouse, North, Paris, Parker, Patterson, Polk, Schumaker, Tilly, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Brown, Chandler, Charette, Charnley, Clemente, Conner, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Gaines, Gaspard, Greengo, Haley, Hanna, Hawkins, Hurley G. S., Kilbury, King, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, McKibbin, Moon, Moreau, O'Brien, Pardini, Randall, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Wojahn.

Not voting: Representatives Ceccarelli, Cochrane, Curtis, Nelson, Perry, Peterson, Sawyer, Smith E. P., Williams.

STATEMENT FOR THE JOURNAL

I wish the record to show that I intended to vote "No" on the Flanagan/Amen amendment to the Eikenberry/Erickson amendment.

PAT COCHRANE, 8th District.

The amendment by Representatives Eikenberry and Erickson was adopted.

Mr. Kuehnl moved adoption of the following amendment:

On line 5 after "rejection" strike the remainder of the resolution and insert "an amendment to Article XXIII, Section 1, (Amendment 37) of the Constitution of the State of Washington to read as follows:

Article XXIII, Section 1. Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon. ((and)) In addition, any amendment to this Constitution may be proposed by initiative in the manner prescribed in Article II, section 1 and section 1A, except that the number of valid signatures required for an initiative petition proposing a constitutional amendment shall be equal to twelve percentum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election and must be approved by a 60% majority of the qualified electors at the next general election. Any proposal or proposals for a constitutional amendment, whether by the legislature or through the initiative, shall be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, except as above provided herein relative to initiative measures; the same shall become part of this Constitution, and proclamation thereof shall be made by the Governor: PROVIDED, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. An amendment which amends an entire article or less than the entire article shall be considered as one amendment and may be submitted to the electorate as a single proposition even though it relates to different sections of the article; and an amendment composed of amendments to sections contained in more than one article may be submitted to the electorate as a single proposition if it embraces one subject only and matters properly connected therewith. The legislature shall also cause notice of the amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: PROVIDED, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election.

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."

POINT OF ORDER

Mr. King: "This resolution deals with the calling of a constitutional convention; the amendment deals with two different methods of amending the Constitution, one of which is before us today, the gateway amendment, and the other is an intriguing idea that I think should be looked at by this legislature sometime, but doesn't belong on this resolution."

Mr. Kuehnle: "Mr. Speaker, I guess it's a question of determining what the effect of the issue before us is designed to be. It is, in my opinion, an effort to bring about in some manner another orderly process of changing or amending the Constitution of the State of Washington. There isn't a title; it doesn't say that we are just entertaining the idea of a constitutional convention. The proposal is that of submitting to the voters of this state at the next general election a proposal for bringing about the orderly amending of our Constitution. It would appear to me that this is simply an alternative proposal to that and worthy of consideration. I really can't see how it is beyond scope."

SPEAKER PRO TEM'S RULING

The Speaker Pro Tem: "House Joint Resolution No. 25 proposes for submission to the people the need for a constitutional convention to revise the Constitution in accordance with guidelines set down by this session of the legislature. Your amendment strikes all that material and you substitute therein some new subject matters. According to our House Rule 33, amendments have to be germane. This is further substantiated by Reed's Rule 160, amendments must be germane. On that basis, I am going to rule your amendment, which strikes all of House Joint Resolution No. 25, out of order."

Mr. Newhouse: "According to research we have conducted, I would have to dispute that ruling. There is no title to a constitutional amendment, it is purposely broad. The language you referred to in the rules and in Reed's Rules refer to an amendment to a bill. I believe Mr. Kuehnle's amendment is properly in order for a constitutional amendment."

The Speaker Pro Tem: "If you will bear with me, I will read the rules for you. Rule 33 states as follows: 'No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.' Also in Reed's Rule 160, 'Amendments must be germane. Notwithstanding what has been said as to the wide range which amendments may take, yet there is a limitation. They must be germane or relevant to the subject matter of the original proposition.' So the basis of both rule interpretations pose the amendment by Representative Kuehnle as out of order."

House Joint Resolution No. 25 was ordered engrossed.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Engrossed House Joint Resolution No. 25 was placed on final passage.

Representatives King, Eikenberry, Haley and Brown spoke in favor of passage of the resolution, and Representative Parker spoke against it.

Mr. Pardini demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Ceccarelli, Curtis, Perry, Sawyer and Williams.

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

The Speaker Pro Tem stated the question before the House to be the final passage of Engrossed House Joint Resolution No. 25.

MOTION

On motion of Mr. Thompson, the rules were suspended and additional sponsors were allowed to sign on the resolution.

Representatives Patterson and Douthwaite spoke in favor of passage of the resolution, and Representatives Kuehnle and Gallagher spoke against it.

Mr. Hansey demanded an oral roll call, and the demand was sustained.

Mr. Hurley (George) spoke in favor of the resolution.

Mr. Thompson demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Resolution No. 25, and the resolution failed to receive the constitutional two-thirds majority, by the following vote: Yeas, 57; nays, 34; not voting, 5.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Chandler, Charnley, Clemente, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Greengo, Haley, Hanna, Hansen, Hawkins, Hurley G. S., Jueling, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Pardini, Paris, Patterson, Peterson, Seeberger, Sherman, Smith E. P., Sommers, Thompson, Valle, Whiteside, Zimmerman.

Voting nay: Representatives Adams, Berentson, Bond, Charette, Cochrane, Conner, Decchio, Dunlap, Flanagan, Freeman, Gallagher, Gilleland, Hansey, Haussler, Hayner, Hendricks, Hurley M., Jastad, Kalich, Kuehnle, Martinis, May, McCormick, Newhouse, Parker, Polk, Randall, Schumaker, Shinpoch, Smith R., Tilly, Warnke, Wilson, Wojahn.

Not voting: Representatives Ceccarelli, Curtis, Perry, Sawyer, Williams.

Engrossed House Joint Resolution No. 25, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Mr. Shinpoch, having voted on the prevailing side, served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed House Joint Resolution No. 25 failed to pass the House.

STATEMENT FOR THE JOURNAL

My absence from the floor today was due to the necessity of being in Seattle on a vital business matter.

ROBERT "BOB" CURTIS, 12th District.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House recessed until 7:00 p.m.

 EVENING SESSION

The House was called to order at 7:00 p.m. by the Speaker Pro Tem. The Clerk called the roll and all members were present except Representatives Ceccarelli, Lysen, Perry, Sawyer and Williams, who were excused.

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.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and House Bill No. 1259 was placed on final passage.

Mr. Kilbury spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1259, and the bill passed the House by the following vote: Yeas, 74; nays, 0; not voting, 22.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Bond, Brown, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Erickson, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Peterson, Polk, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Bagnariol, Blair, Ceccarelli, Chandler, Dunlap, Eng, Fischer, Freeman, Greengo, Hayner, Juelling, Kalich, Kuehnl, Lysen, Martinis, McCormick, Patterson, Perry, Randall, Sawyer, Williams, Wojahn.

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.

HOUSE BILL NO. 1329, by Representatives Lysen, Erickson and Brown:

Making changes in the public disclosure laws.

The bill was read the second time.

On motion of Mr. Hawkins, Substitute House Bill No. 1329 was substituted for House Bill No. 1329, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1329 was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute House Bill No. 1329 was placed on final passage.

Representatives Hawkins and Brown spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1329, and the bill passed the House by the following vote: Yeas, 68; nays, 8; not voting, 20.

Voting yea: Representatives Adams, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Erickson, Fortson, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Matthews, Maxie, McKibbin, Moreau, Nelson, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Randall, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Amen, Bond, Flanagan, Gallagher, Moon, Schumaker, Smith E. P., Tilly.

Not voting: Representatives Bagnariol, Ceccarelli, Deccio, Dunlap, Eikenberry, Eng, Fischer, Freeman, Kalich, Kuehnl, Lysen, Martinis, May, McCormick, Newhouse, Perry, Polk, Sawyer, Williams, Wojahn.

Substitute House Bill No. 1329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1347, by Representative Smith (Rick):

Correcting technical errors in the Washington criminal code.

The bill was read the second time.

On motion of Mr. Knowles, Substitute House Bill No. 1347 was substituted for House Bill No. 1347, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1347 was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute House Bill No. 1347 was placed on final passage.

Mr. Smith (Rick) spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1347, and the bill passed the House by the following vote: Yeas, 82; nays, 0; not voting, 14.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Erickson, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Bagnariol, Ceccarelli, Dunlap, Eng, Fischer, Freeman, Kalich, Kuehne, Lysen, McCormick, Perry, Sawyer, Williams, Wojahn.

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.

HOUSE BILL NO. 1313:

The House resumed consideration of the bill on second reading.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Douthwaite and Thompson.

With the consent of the House, Mr. Douthwaite withdrew the amendment.

On motion of Mr. Douthwaite, the following amendments by Representatives Douthwaite, Ehlers and Thompson were adopted:

On page 1, line 5 after "network" and before "means" strike the quote and insert "computer system"

On page 1, line 9 after "network" insert "computer system"

On page 1, line 14 after "network" and before the period insert "computer system"

On page 1, line 17 after "network" and before "for" insert "computer system"

House Bill No. 1313 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1313 was placed on final passage.

Mr. Ehlers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1313, and the bill passed the House by the following vote: Yeas, 86; nays, 0; not voting, 10.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Ceccarelli, Eng, Kuehne, Lysen, McCormick, Perry, Sawyer, Smith R., Williams, Wojahn.

Engrossed House Bill No. 1313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1343, by Representatives Thompson, Newhouse, Curtis, Blair, Schumaker, Clemente, Douthwaite and Erickson:

Setting legislators' salaries at \$7200 per year.

The bill was read the second time.

Committee on State Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Nineteenth Day, 2nd ex. sess., January 23, 1976.)

On motion of Ms. Sommers, the committee amendments were adopted.

Mr. Pardini moved adoption of the following amendment:

On page 1, line 25 after "per annum" insert the following "PROVIDED, That the annual salaries of the following named representatives elected to the stated positions shall be: The Speaker of the House, seventeen thousand eight hundred dollars; the majority leader of the largest political party and the minority leader of the second largest political party in the House of Representatives, twelve thousand dollars each; the majority and the minority caucus chairman of the first and second largest political parties in the House of Representatives, shall be ten thousand dollars each"

Mr. Pardini spoke in favor of the amendment.

Mr. Thompson demanded an electric roll call and the demand was sustained.

Representatives Newhouse, Thompson and Barnes spoke against the amendment.

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Blair.

Mr. Blair: "I realize that in many states the suggestions that you have put forth to us are, in fact, incorporated into their pay schedules. I believe that it is customary in the majority of the states for those people in leadership to receive some extra compensation, but I am wondering about the exact meaning of the words, 'the Speaker of the House,' as you use it here, receiving an annual salary. It seems to me that might produce some special compensations within this legislature at least. Do you mean to suggest that the presiding officer receive that amount or that some particular individual who held that position for some part of the year receive the amount?"

POINT OF ORDER

Mr. Charette: "I don't think that it is necessary that these questions be asked at this time and I would hope that you would rule on that."

The Speaker Pro Tem: "I could probably give you the rule again and interpret the duties of the Speaker Pro Tem when there is no Speaker. It is pretty well set forth in our rules. Go ahead, Representative Pardini, answer the question."

Mr. Pardini: "I've lost the train of thought."

Mr. Blair: "I merely mean to suggest that there might be some technical problem. I didn't mean to offend anyone on the floor and I was very careful not to mention anyone's name. I really do think that there may be a technical problem here, particularly when you refer to annual salaries."

Mr. Pardini: "May I paraphrase your question, Mr. Blair? I believe that your question was, to whom shall this money be paid? In my opinion the Speaker of the House is the person as selected under the House rules, under the procedures by a majority vote of this body, who assumes the roles and responsibilities and the duties that are set forth in the House rules and the other statutory restrictions and constitutional requirements that are set forth. That's the person to whom I am addressing this. As to annual salary, I believe that all of us start our office at the time we are sworn in, the second Monday in January. The annual salary would run from that period of time of being sworn in and assuming those responsibilities for a full year, and hopefully, for most Speakers, for two years."

Mr. Blair spoke against adoption of the amendment.

MOTION

Mr. Kuehnle moved that further consideration of House Bill No. 1343 be deferred and that it be placed on the second reading calendar following House Bill No. 1295.

The motion was lost.

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Pardini.

Mr. Douthwaite spoke against the amendment, and Mr. Pardini spoke in favor.

Mr. Pardini stated that with the consent of the House he would withdraw the amendment.

There was an objection to the withdrawal.

MOTIONS

On motion of Mr. Thompson, the rules were suspended, allowing Mr. Pardini to withdraw the amendment.

Mr. Thompson moved that further consideration of House Bill No. 1343 be deferred, and that the bill be placed on tomorrow's second reading calendar.

Mr. Newhouse spoke in favor of the motion, and Mr. Haley spoke against it.

POINT OF ORDER

Mr. Charette: "Dr. Haley is not talking about the motion; he's talking about something else."

The Speaker Pro Tem: "I believe we should show a little tolerance and patience under circumstances like this and if Representative Haley wishes to expound his theory, he should have that right."

Mr. Haley continued his remarks against the motion.

The motion was carried.

HOUSE BILL NO. 1581, by Representatives Thompson, Moon, Charette, Bauer, McKibbin, King and Moreau:

Defining the term "week" for purposes of unemployment compensation.

The bill was read the second time.

On motion of Mr. King, Substitute House Bill No. 1581 was substituted for House Bill No. 1581, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1581 was read the second time and passed to Committee on Rules for third reading.

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.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and House Bill No. 1412 was placed on final passage.

Mrs. Hurley (Margaret) spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1412, and the bill passed the House by the following vote: Yeas, 86; nays, 3; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Moon, Seeberger, Smith R..

Not voting: Representatives Ceccarelli, Lysen, McKibbin, Patterson, Perry, Sawyer, Williams.

House Bill No. 1412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1461, by Representatives North and Berentson:

Changing wording in law relating to publication requirements regarding county contracts.

The bill was read the second time.

Committee on Local Government recommendation: Majority, do pass as amended. (For amendment, see Journal, Twenty-fourth Day, 2nd ex. sess., January 28, 1976.)

On motion of Mr. Haussler, the committee amendment was adopted.

House Bill No. 1461 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1461 was placed on final passage.

Mrs. North spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1461, and the bill passed the House by the following vote: Yeas, 89; nays, 0; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnie, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wojahn, Zimmerman.

Not voting: Representatives Ceccarelli, Gaines, Lysen, Perry, Sawyer, Williams, Wilson.

Engrossed House Bill No. 1461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1266, by Representatives Jastad and Kalich:

Increasing the number of Lewis county superior court judges to two.

The bill was read the second time.

Committee on Judiciary recommendation: Majority, do pass as amended. (For amendments, see Journal, Twenty-third Day, 2nd ex. sess., January 27, 1976.)

On motion of Mr. Knowles, the committee amendments were adopted.

House Bill No. 1266 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1266 was placed on final passage.

Mr. Jastad spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1266, and the bill passed the House by the following vote: Yeas, 87; nays, 3; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnie, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Seeberger, Smith R., Tilly.

Not voting: Representatives Bauer, Ceccarelli, Lysen, Perry, Sawyer, Williams.

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.

HOUSE BILL NO. 1267, by Representatives Haussler, Becker, Boldt, Erickson, Gallagher and Lee:

Establishing a new method of framing county "Home Rule" charters.

The bill was read the second time.

Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Eleventh Day, 2nd ex. sess., January 15, 1976.)

On motion of Mr. Haussler, the committee amendments on page 1, line 5 and on page 2, line 4 were adopted.

Mr. Haussler moved adoption of the committee amendment to page 2, line 10.

On motion of Mr. Thompson, further consideration of House Bill No. 1267 was deferred, and the bill was ordered placed on the calendar following House Bill No. 1466.

HOUSE BILL NO. 1291, by Representatives May and Gaines:

Permitting the operation of forty foot school buses.

The bill was read the second time.

On motion of Mr. Thompson, further consideration of the bill was deferred, and the bill was ordered placed on the calendar following House Bill No. 1267.

HOUSE BILL NO. 1299, by Representatives Sommers, Pardini, Hurley (Margaret), Polk, Paris, Hayner, Williams and Gaines (by Parks and Recreation Department request):

Modifying the building code as applied to historic buildings.

The bill was read the second time.

On motion of Ms. Sommers, Substitute House Bill No. 1299 was substituted for House Bill No. 1299, and the substitute bill was placed on the calendar for second reading.

Ms. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1299, and the bill passed the House by the following vote: Yeas, 87; nays, 0; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Brown, Ceccarelli, Lux, Lysen, Perry, Sawyer, Smith E. P., Warnke, Williams.

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.

MOTION

On motion of Mr. Thompson, HOUSE BILL NO. 1255 was rereferred to Committee on Rules.

HOUSE BILL NO. 1380, by Representatives Randall, Douthwaite and Hurley (Margaret):

Requiring boat registration.

On motion of Mrs. Hurley (Margaret), Substitute House Bill No. 1380 was substituted for House Bill No. 1380, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1380 was read the second time.

Mr. Eikenberry moved adoption of the following amendment:

On page 1, line 15 strike "twelve" and insert "eight"

Representative Eikenberry spoke in favor of the amendment, and Representatives Blair, Martinis and Randall spoke against it.

Mr. Eikenberry spoke again in favor of the amendment, and Mr. Martinis spoke again in opposition.

POINT OF ORDER

Mr. Eikenberry: "Mr. Speaker, I'd like to invoke the point of order referring to Reed's Rule 212, which points out that members must not allude to any member by some descriptive exchange, like 'the gentleman who last addressed the assembly,' or by name, but by 'the gentleman from Virginia,' or 'the learned and noble lord,' or 'the gallant gentleman, the member from Portsmouth.' Such expressions denote respect and are themselves a great restraint on hostilities. Therefore, I ask that this rule be invoked and that Representative Martinis not refer to members by name."

SPEAKER PRO TEM'S RULING

The Speaker Pro Tem: "I would say that Representative Eikenberry has an excellent point. This is the way you should address each other—as gentlemen from here and there, Representative Martinis, or ladies from here and there."

POINT OF INQUIRY

Mr. Charette: "Does your ruling mean that every time I refer to Representative Eikenberry I have to call him a gentleman?"

The Speaker Pro Tem: "Representative Charette, use your usual judgment."

Mr. Martinis continued his remarks in opposition to the amendment.

Mr. Thompson demanded the previous question and the demand was sustained.

The amendment was not adopted.

Mr. Eikenberry moved adoption of the following amendment:
On page 1, line 17 strike "of over five horsepower"

Mr. Eikenberry spoke in favor of the amendment, and Mr. Charette spoke against it.

POINT OF ORDER

Mr. Peterson: "I wonder if this geography and fishing lesson pertains to the amendment?"

Mr. Eikenberry: "Mr. Speaker, rather than undergo this any longer, I'd like to withdraw my amendment."

With the consent of the House, Mr. Eikenberry withdrew the amendment.

Mr. Charnley moved that the rules be suspended, the second reading considered the third, and Substitute House Bill No. 1380 be placed on final passage, and a division was requested.

ROLL CALL

The Clerk called the roll on the motion to advance Substitute House Bill No. 1380 to third reading and final passage, and the motion failed to receive the necessary two-thirds majority by the following vote: Yeas, 52; nays, 35; not voting, 9.

Voting yea: Representatives Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Charette, Charnley, Clemente, Cochrane, Douthwaite, Eng, Erickson, Flanagan, Gaines, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, Knowles, Lee, Lux, Maxie, May, McKibbin, Moon, Moreau, North, O'Brien, Paris, Parker, Patterson, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Wojahn, Zimmerman.

Voting nay: Representatives Adams, Barnes, Berentson, Bond, Brown, Chandler, Conner, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Fortson, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueling, King, Kuehnle, Laughlin, Leckenby, Martinis, Matthews, McCormick, Nelson, Pardini, Polk, Schumaker, Tilly, Wilson.

Not voting: Representatives Ceccarelli, Ehlers, Kalich, Lysen, Newhouse, Perry, Sawyer, Whiteside, Williams.

Substitute House Bill No. 1380 was passed to Committee on Rules for third reading.

HOUSE BILL NO. 1267:

The House resumed consideration of the bill on second reading.

The Speaker Pro Tem stated the question before the House to be the committee amendment to page 2, line 10.

The amendment was adopted.

House Bill No. 1267 was ordered engrossed.

On motion of Mr. Thompson, Engrossed House Bill No. 1267 was rereferred to Committee on Ways and Means - Appropriations.

HOUSE BILL NO. 1291, by Representatives May and Gaines:

Permitting the operation of forty foot school buses.

The bill was read the second time.

Committee on Transportation and Utilities recommendation: Majority, do pass as amended. (For amendment, see Journal, Twenty-fourth Day, 2nd ex. sess., January 28, 1976.)

On motion of Mr. Hansen, the committee amendment was adopted.

House Bill No. 1291 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1291 was placed on final passage.

Mr. May spoke in favor of passage of the bill, and Mr. Leckenby spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1291, and the bill passed the House by the following vote: Yeas, 83; nays, 5; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Wojahn.

Voting nay: Representatives Bausch, Leckenby, Warnke, Wilson, Zimmerman.

Not voting: Representatives Barnes, Ceccarelli, Juelling, Lysen, McKibbin, Perry, Sawyer, Williams.

Engrossed House Bill No. 1291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1436, by Representatives Wojahn, Juelling and May:

Providing for licensing of specialty electricians.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and House Bill No. 1436 was placed on final passage.

Mrs. Wojahn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1436, and the bill passed the House by the following vote: Yeas, 90; nays, 0; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Ceccarelli, Hurley G. S., Lysen, Perry, Sawyer, Williams.

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.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 4, 1976

HOUSE BILL NO. 585, Prime Sponsor: Representative Brown, revising laws on filiation proceedings and enacting the uniform parentage act. Reported by Committee on Judiciary.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Sherman.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 711, Prime Sponsor: Representative Kuehnle, authorizing special fund raising events for charitable or nonprofit corporations not otherwise receiving benefits under gambling act. Reported by Committee on Commerce.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Warnke, Chairman; Jastad, Vice Chairman; Bausch, Curtis, Gaines, Kuehnle, Wojahn.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1283, Prime Sponsor: Representative Cochrane, modifying public assistance eligibility requirements for persons eighteen and over who attend school. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Adams, Chairman; Becker, Cochrane, Fischer, Fortson, Greengo, Haley, Hanna, Hendricks, Paris, Peterson, Whiteside.

To Committee on Rules for second reading.

February 4, 1976

HOUSE BILL NO. 1316, Prime Sponsor: Representative Fortson, authorizing state funding of senior citizens' nutrition program. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Becker, Cochrane, Eng, Fischer, Fortson, Greengo, Haley, Hanna, Hendricks, Lux, Paris, Peterson, Whiteside.

Rereferred to Committee on Ways and Means - Appropriations.

February 4, 1976

HOUSE BILL NO. 1602, Prime Sponsor: Representative Adams, revising law on reimbursement for services and supplies to DSHS. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Cochrane, Fischer, Fortson, Greengo, Hanna, Jastad, Paris, Peterson.

To Committee on Rules for second reading.

February 4, 1976

HOUSE CONCURRENT RESOLUTION NO. 46, Prime Sponsor: Representative Becker, resolving that certain changes be implemented in the office of juvenile rehabilitation of DSHS. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Adams, Chairman; Becker, Cochrane, Eng, Fischer, Greengo, Haley, Hanna, Hendricks, Peterson, Whiteside.

To Committee on Rules for second reading.

MOTIONS

On motion of Mr. Thompson, the House advanced to the eighth order of business.

Mr. Hansen moved that SENATE BILL NO. 3081 be rereferred from Committee on Ecology to Committee on Agriculture.

Mr. Hansen spoke in favor of the motion, and Mrs. Valle spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Mr. Kilbury spoke in favor of the motion, and Mr. Martinis spoke against it.

POINT OF ORDER

Mr. Douthwaite: "Mr. Speaker, it is my impression that any bill under consideration is supposed to be present on the desks or in the billbooks. I can't find any trace of Senate Bill No. 3081 in either place."

The Speaker Pro Tem: "It is the policy that the bills aren't entered in your billbooks until they are on the calendar."

Mr. Douthwaite: "How can we discuss the merits of this motion if the bill is not available to read? I believe it's in our rules that any bill under discussion should be here for the members to read."

The Speaker Pro Tem: "This bill isn't particularly under discussion. It's being transferred from one committee to another."

Mr. Douthwaite: "In order to decide how to vote, I have to know what I'm voting on. It is under discussion."

The Speaker Pro Tem: "You can take time out to go back and read it."

Mr. Douthwaite: "The point is the question of the ruling—if there's a rule or not."

The Speaker Pro Tem: "There is no rule. The motion is to relieve one committee of the bill and transfer it to another committee."

MOTION

Mr. Charette moved that further consideration of the motion be deferred until such time as the bill is in the billbooks.

POINT OF ORDER

Mr. Martinis: "Mr. Speaker, is Representative Charette able to make a motion in the midst of a member's presentation or debate?"

The Speaker Pro Tem: "We'll take care of your motion, Representative Charette, as soon as Representative Martinis is finished. He had the floor and was asking someone else to yield when Representative Douthwaite raised his point of order."

POINT OF INQUIRY

Mr. Hansen yielded to question by Mr. Martinis.

Mr. Martinis: "In light of my opposition to the motion that this bill go to the Agriculture Committee and my support of fisheries, in light of the fact that fisheries is ranked number ten in the field of priorities and stock watering is number two, if this bill went to the Agriculture Committee, would you join with me in supporting fisheries along with stock watering as the number two priority?"

Mr. Hansen: "Mr. Martinis, I think you'll find out when you study the bill and the RCW's that are in it, that we are not fooling with the minimum flow of the river—we're talking about the surplus water in the spring and summer when irrigation season is on. This bill has no way and no intention of interfering with the minimum flows of the river, so I will happily move your fish back up on an equal with my cows."

MOTION

Mr. Charette moved that further consideration of the motion be deferred until the members have a copy of the bill in their billbooks.

POINT OF PARLIAMENTARY INQUIRY

Mr. Polk: "Is Representative Charette's motion of equal rank with the motion before us and therefore out of order?"

SPEAKER PRO TEM'S RULING

The Speaker Pro Tem: "The motion to commit and recommit, the motion to defer action, and the wording to postpone appear to the Speaker to all be of equal rank, of fourth ranking in our consideration of subsidiary motions. It would appear your motion, Representative Charette, would be out of order."

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Friday, February 6, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore

DEAN R. FOSTER, Chief Clerk.

THIRTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, February 6, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Perry, Sawyer and Wojahn, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Michelle Muggli and Marvin Junt. Prayer was offered by Sister M. Judeen Seeberger, Benedictine Parish Nun of the Holy Family Parish of Yakima.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SECRETARY OF STATE

I, **BRUCE K. CHAPMAN**, Secretary of State of the State of Washington and custodian of its seal, hereby certify that according to the records on file in my office

LEONA SAVAGE OSTERMAN

has been appointed, by joint action of the Boards of County Commissioners of Clallam, Jefferson, Mason, and Thurston Counties to fill the vacancy in the position of State Representative, 24th District, until the next state general election as provided by Section 15, Article II, of the Constitution of the State of Washington.

IN WITNESS WHEREOF I have signed and have affixed the seal of the State of Washington to this certificate at Olympia, the State Capitol, February 6, 1976.

BRUCE K. CHAPMAN,
Secretary of State.

(Seal)

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "On the selection of our new member, I do not challenge the qualifications of the lady, but this issue should be resolved. My understanding is that four counties are involved, that twelve county commissioners are involved, that there were ten commissioners present at the election, and the vote was six for the candidate so submitted, that the letter to the Secretary of State was signed by either nine or ten, saying that this candidate was elected. The House, of course, under the Constitution and our rules, has sole authority for seating its members. The article of the Constitution should be Article II, section 15, which lays upon the county commissioners involved the right, the duty, of electing by a majority, if I may paraphrase slightly. Six is not a majority of the qualified electors of twelve—I would suggest that this problem should be laid at rest and a decision made, even to the extent of delaying a swearing-in."

SPEAKER PRO TEM'S RULING

The Speaker Pro Tem: "All the evidence we have in our possession shows that Leona Savage Osterman has been elected to the vacancy created by Charles Savage. We have a certificate from the Secretary of State, we have the results of that election, and the interpretation of the Constitution, Article II, section 15, could substantiate very well that the joint action of the Boards of County Commissioners had the authority to make the selection, and also Article II, section 8 of our State Constitution states that each house shall be judge of the election returns and qualifications of its own members. So on that basis, I'm going to leave it to the judgment of the House if the selection was properly held and whether or not Leona Savage Osterman should be successor to Charles Savage."

MOTIONS

Mr. Thompson moved that Leona Savage Osterman be seated in the House of Representatives.

Mr. Newhouse moved that the House investigate the election in the counties involved.

With the consent of the House, Mr. Newhouse withdrew the motion.

Mr. Newhouse moved that Representative Thompson's motion be stricken, and that the House investigate the election.

Mr. Charnley demanded an electric roll call and the demand was sustained.

Representatives Newhouse and Pardini spoke in favor of the motion, and Representatives Conner, Hawkins, Thompson and King spoke against it. Mr. Pardini again spoke in favor of the motion.

POINT OF INQUIRY

Mr. King yielded to question by Mr. McKibbin.

Mr. McKibbin: "Representative King, the interpretation just offered by the representative from the other side indicates that the commissioners must agree. It does not indicate a vote. In your opinion—you did mention that some letters were sent—does that constitute an agreement as per the Constitution?"

Mr. King: "Well, the letter that was sent was signed by ten county commissioners saying that Leona Osterman was their selection—ten of twelve. The other letter that you are referring to, the one in question, I could find nowhere in the law or the Constitution whether the proxy vote, the absentee vote, could be accepted or rejected. I believe the county commissioners at that time felt they didn't need to—they had a clear majority. They voted, once they voted they went on and agreed, all ten of them, to the decision the majority of that group made. Leona Osterman has been in effect elected, selected by ten of those twelve county commissioners in those legislative districts."

Mr. Newhouse spoke again in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion by Representative Newhouse to strike Representative Thompson's motion, and that the House investigate the election of Leona Savage Osterman, and the motion was lost by the following vote: Yeas, 34; nays, 58; not voting, 4.

Voting yea: Representatives Amen, Berentson, Blair, Bond, Brown, Chandler, Curtis, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueling, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Randall, Seeberger, Sherman, Shinpoch, Smith E., Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Not voting: Representatives Ceccarelli, Perry, Sawyer, Wojahn.

The Speaker Pro Tem stated the question before the House to be the motion by Representative Thompson that Leona Savage Osterman be seated in the House of Representatives.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "Mr. Speaker, there are a large number of members who believe that a vote on this issue, if they were to vote to seat Mrs. Osterman, would be a violation of their oath to uphold the Constitution. Will these members be required to vote on this issue?"

SPEAKER'S RULING

The Speaker Pro Tem: "The question that you have raised, Representative Pardini, as to whether the members would be violating their oath of office by voting favorably on the seating of Leona Osterman, would be a question for the courts to interpret. It's very difficult for the Speaker to make a statement that anyone was violating his oath of office by this kind of action. This happens many times on voting; and the interpretation of the section of the Constitution relative to voting is beyond the Speaker to render such a decision."

Mr. Pardini: "That's a very wise decision, Mr. Speaker, but would you inform the members how they may abstain from voting on this issue?"

The Speaker Pro Tem: "There's no way that I could inform the members that they could abstain from this issue."

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Moon.

Mr. Moon: "Representative Pardini, the Constitution clearly says that the Governor will make the appointment in the event that the majority of said county commissioners do not agree upon the appointment. Do you have any evidence at all that a majority of the county commissioners do not agree?"

Mr. Pardini: "The information that has been presented to this body is that there are twelve county commissioners within that legislative district; that the vote that was taken showed that six county commissioners voted in favor of Mrs. Osterman. Six does not constitute a majority of twelve, and that is the information on which I base my judgment."

Mr. Moon: "Do you have information, then, that a majority do not agree—that is seven do not agree?"

Mr. Pardini: "It doesn't take too much logic to follow the path that if six agree, six do not agree."

Mr. Moon: "You are correct. Logic says that if six do agree, a majority, seven, cannot disagree."

Mr. Charnley demanded an electric roll call and the demand was sustained.

Mr. Barnes spoke in favor of the motion, and Mr. Newhouse spoke against it.

ROLL CALL

The Clerk called the roll on the motion by Representative Thompson that the House seat Leona Savage Osterman as State Representative, and the motion was carried by the following vote: Yeas, 66; nays, 1; not voting, 29.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Haussler, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Voting nay: Representative Whiteside.

Not voting: Representatives Amen, Berentson, Blair, Bond, Ceccarelli, Dunlap, Eikenberry, Freeman, Gilleland, Hansey, Hayner, Hendricks, Jueling, Kuehnle, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Perry, Peterson, Polk, Sawyer, Schumaker, Tilly, Wilson, Wojahn, Zimmerman.

OATH OF OFFICE

The Speaker Pro Tem appointed Representatives Knowles and Seeberger to escort Chief Justice Robert C. Finley to the rostrum.

The Speaker Pro Tem appointed Representatives Curtis and Conner to escort Mrs. Leona Savage Osterman to the rostrum.

Chief Justice Finley issued the oath of office to Mrs. Osterman.

The Speaker Pro Tem presented the certificate of election to Representative Osterman, and requested the committee to escort her to a seat within the House Chamber.

The Speaker Pro Tem requested the committee to escort Chief Justice Finley from the House Chamber.

MESSAGE FROM THE SENATE

February 5, 1976

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 2038,
REENGROSSED SUBSTITUTE SENATE BILL NO. 2088,
ENGROSSED SENATE BILL NO. 2135,
ENGROSSED SUBSTITUTE SENATE BILL NO. 2243,
ENGROSSED SENATE BILL NO. 2288,
REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2424,

SENATE BILL NO. 2440,
 SUBSTITUTE SENATE BILL NO. 2495,
 SUBSTITUTE SENATE BILL NO. 2635,
 ENGROSSED SENATE BILL NO. 2660,
 SUBSTITUTE SENATE BILL NO. 2689,
 ENGROSSED SENATE BILL NO. 2988,
 ENGROSSED SENATE BILL NO. 2990,
 SENATE BILL NO. 3000,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3003,
 ENGROSSED SENATE BILL NO. 3027,
 SENATE BILL NO. 3036,
 SENATE BILL NO. 3040,
 SENATE BILL NO. 3044,
 SENATE BILL NO. 3058,
 ENGROSSED SENATE BILL NO. 3066,
 SENATE BILL NO. 3067,
 ENGROSSED SENATE BILL NO. 3070,
 SENATE BILL NO. 3074,
 SENATE BILL NO. 3138,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

SUBSTITUTE SENATE BILL NO. 2038, by Committee on Ecology (Originally sponsored by Senator Rasmussen):

Regulating environmentally hazardous wastes.

To Committee on Ecology

REENGROSSED SUBSTITUTE SENATE BILL NO. 2088, by Committee on Natural Resources (Originally sponsored by Senators Talley and Peterson):

Requiring license for smelt dealers.

To Committee on Natural Resources

ENGROSSED SENATE BILL NO. 2135, by Senators Sellar and Jolly:

Establishing requirements and duties of a public utility district of the first class.

To Committee on Transportation and Utilities

ENGROSSED SUBSTITUTE SENATE BILL NO. 2243, by Committee on Judiciary (Originally sponsored by Senators North, Francis - by Uniform Law Commission request):

Revising laws of filiation proceedings and enacting the uniform parentage act.

To Committee on Judiciary

ENGROSSED 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.

To Committee on Transportation and Utilities

SECOND REENGROSSED 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.

To Committee on Ecology

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.

To Committee on Social and Health Services

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.

To Committee on Natural Resources

SUBSTITUTE SENATE BILL NO. 2635, by Committee on State Government (Originally sponsored by Senators Matson and Rasmussen – by Department of Personnel request):

Authorizing the department of personnel to appoint hearing examiners.

To Committee on State Government

ENGROSSED SENATE BILL NO. 2660, by Senators North and Bluechel:

Permitting nature conservancies to acquire open space for public use.

To Committee on Ecology

SUBSTITUTE SENATE BILL NO. 2689, by Committee on Education (Originally sponsored by Senators Bailey, Murray and Sandison):

Regulating school-related photography services.

To Committee on Education

ENGROSSED 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.

To Committee on Labor

ENGROSSED SENATE BILL NO. 2990, by Senators Wanamaker, Henry and Sellar:

Imposing a tax on coin-operated gaming devices.

To Committee on Ways and Means – Revenue

SENATE BILL NO. 3000, by Senator Odegaard:

Authorizing counties to offer rewards for information about crimes against county property.

To Committee on Local Government

ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, by Committee on Ecology (Originally sponsored by Senators Washington and Wilson – by Parks and Recreation Commission request):

Adding new provisions to laws relating to archaeological resources.

To Committee on Ecology

ENGROSSED 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.

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 (Bob), Wanamaker, Morrison, Bottiger, Keefe and Knoblauch):

Establishing procedures for enforcing vehicle identification laws.

To Committee on Transportation and Utilities

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.

To Committee on Ways and Means – Appropriations

SENATE BILL NO. 3044, by Senators Woody, Clarke, Odegaard, Donohue, Scott, Newschwander, Stortini, Gould and Lewis (Harry) - (by Legislative Budget Committee request to implement performance audit recommendations):

Supplementing law relating to traffic safety education courses.

To Committee on Ways and Means - Appropriations

SENATE BILL NO. 3058, by Senators Day, North and Buffington:

Requiring PKU tests for newborn infants.

To Committee on Social and Health Services

ENGROSSED SENATE BILL NO. 3066, by Senators Day, Buffington and McDermott:

Authorizing disposition of human remains from autopsies under certain conditions.

To Committee on Social and Health Services

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.

To Committee on Judiciary

ENGROSSED SENATE BILL NO. 3070, by Senators Guess, Henry and Lewis (Harry):

Revising the fee structure for motor vehicle tonnage licenses.

To Committee on Transportation and Utilities

SENATE BILL NO. 3074, by Senators Beck, Peterson and Talley:

Requiring state franchising for county ferries receiving federal aid.

To Committee on Transportation and Utilities

SENATE BILL NO. 3138, by 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.

To Committee on Education

MOTION

On motion of Mr. Thompson, all bills listed on today's agenda under the fourth order of business were passed to the committees designated.

MOTION

On motion of Mr. Thompson, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Eng, Perry and Sawyer, who were excused.

On motion of Mr. Thompson, the House advanced to the eighth order of business.

MOTION

Mr. Newhouse moved that Ways and Means - Appropriations Committee be relieved of HOUSE BILL NO. 1478, and that it be placed on the second reading calendar.

The Speaker Pro Tem: "Representative Newhouse, when we adjourned last night we had pending before us a motion by Representative Hansen that Senate Bill No. 3081 be rereferred from the Committee on Ecology to the Committee on Agriculture, so that is the stage of the

proceedings we are in at the present time. Until this motion has been disposed of, it would be out of order to recognize your motion."

The Speaker Pro Tem stated the question before the House to be the motion by Representative Hansen to rerefer Senate Bill No. 3081 from Committee on Ecology to Committee on Agriculture.

Representatives Hansen, Martinis and Zimmerman spoke in favor of the motion.

POINT OF ORDER

Mr. Newhouse: "This debate could get rather lengthy and I would remind the Speaker that we were debating this very same issue last night and many of the contestants spoke twice last night, and if they speak twice more today it will get rather lengthy."

The Speaker Pro Tem: "That's up to the members themselves how long they can talk."

Mr. Deccio spoke in favor of the motion, and Representatives Valle and Becker spoke against it.

Mr. Thompson demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the demand for the previous question, and the demand was sustained by the following vote: Yeas, 62; nays, 29; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Paris, Parker, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Barnes, Berentson, Clemente, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueling, Kuehne, Leckenby, Matthews, Nelson, Pardini, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Amen, Ceccarelli, Lux, Newhouse, Perry, Sawyer.

MOTION

Mr. Eikenberry moved that the motion by Mr. Hansen be amended to rerefer Senate Bill No. 3081 to Committee on Natural Resources.

POINT OF ORDER

Mr. Charette: "My point of order is that two-thirds of this body have directed that a vote be taken. Is this motion now in order?"

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Your point if well taken. It would be out of order at the present time to make a further motion."

ROLL CALL

The Clerk called the roll on the motion to rerefer Senate Bill No. 3081 from Committee on Ecology to Committee on Agriculture, and the motion was carried by the following vote: Yeas, 47; nays, 45; not voting, 5.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Berentson, Boldt, Bond, Chandler, Conner, Curtis, Deccio, Erickson, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Hansen, Hansey, Haussler, Hayner, Hurley M., Jastad, Jueling, Kalich, Kilbury, Knowles, Kuehne, Laughlin, Matthews, May, McCormick, Newhouse, North, Pardini, Paris, Parker, Patterson, Schumaker, Seeberger, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Barnes, Becker, Bender, Blair, Brown, Charette, Charnley, Clemente, Cochrane, Douthwaite, Dunlap, Ehlers, Eikenberry, Fischer, Freeman, Greengo, Haley, Hanna, Hawkins, Hendricks, Hurley G. S., King, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, McKibbin, Moon, Moreau, Nelson, O'Brien, Osterman, Peterson, Polk, Randall, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams.

Not voting: Representatives Amen, Ceccarelli, Eng, Perry, Sawyer.

MOTION

Mr. Moon moved that Ways and Means - Appropriations Committee be relieved of HOUSE BILL NO. 1478 and that it be placed at the top of today's second reading calendar.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "The Speaker would like to read in part from House Rule 82 which states as follows: '...PROVIDED, That a majority of the members elected to the house may require a committee to report a bill back to the house during the order of business at which it may be considered.' It would appear that your motion would be in order during the sixth order of business—second reading of bills. At the present time it is out of order."

MOTION

Mr. Shinpoch, having served notice on the previous day and having voted on the prevailing side, now moved for reconsideration of the vote by which ENGROSSED HOUSE JOINT RESOLUTION NO. 25 failed to pass the House.

Mr. Pardini demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Ceccarelli, Eng, Hurley (George), Perry and Sawyer.

MOTION

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

The Speaker Pro Tem stated the question before the House to be the motion to reconsider the vote by which Engrossed House Joint Resolution No. 25 failed to pass the House.

The motion was carried.

The Speaker Pro Tem stated the question now before the House to be final passage of Engrossed House Joint Resolution No. 25.

ROLL CALL

The Clerk called the roll on the reconsideration of final passage of Engrossed House Joint Resolution No. 25, and the resolution was passed by the following vote: Yeas, 70; nays, 22; not voting, 5.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Chandler, Charnley, Clemente, Conner, Curtis, Douthwaite, Ehlers, Eikenberry, Erickson, Fischer, Fortson, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hawkins, Hendricks, Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Pardini, Paris, Patterson, Peterson, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Berentson, Bond, Charette, Cochrane, Deccio, Dunlap, Flanagan, Freeman, Gallagher, Hansey, Haussler, Hayner, Hurley M., Kuehnle, May, Newhouse, Parker, Polk, Schumaker, Tilly, Williams.

Not voting: Representatives Ceccarelli, Eng, Hurley G. S., Perry, Sawyer.

Engrossed House Joint Resolution No. 25, having received the constitutional majority, was declared passed.

Representative Eng appeared at the bar of the House.

MOTION FOR RECONSIDERATION

Representative Kalich, having voted on the prevailing side, moved that the House do now reconsider the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107 failed to pass the House.

Representatives Warnke and Wojahn spoke in favor of the motion, and Mrs. Hayner spoke against it.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which Engrossed Substitute House Bill No. 1107 failed to pass the House, and the motion was carried by the following vote: Yeas, 74; nays, 19; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Charette, Charnley, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers,

Eikenberry, Eng, Fischer, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Valle, Warnke, Williams, Wilson, Wojahn.

Voting nay: Representatives Amen, Chandler, Clemente, Dunlap, Erickson, Flanagan, Freeman, Greengo, Hayner, Leckenby, Lee, Martinis, Matthews, Paris, Seeberger, Thompson, Tilly, Whiteside, Zimmerman.

Not voting: Representatives Ceccarelli, Hurley G. S., Perry, Sawyer.

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1107.

MOTION

Mr. Eikenberry moved that the rules be suspended, and Engrossed Substitute House Bill No. 1107 be returned to second reading for the purpose of amendment.

Mr. Eikenberry spoke in favor of the motion, and Mr. Warnke spoke against it.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and return Engrossed Substitute House Bill No. 1107 to second reading, and the motion was lost by the following vote: Yeas, 42; nays, 51; not voting, 4.

Voting yea: Representatives Amen, Barnes, Berentson, Bond, Chandler, Charnley, Clemente, Cochrane, Curtis, Deccio, Dunlap, Eikenberry, Eng, Erickson, Flanagan, Gilleland, Greengo, Hansey, Hayner, Hendricks, Hurley M., Jueling, Kuehnle, Leckenby, Lee, Martinis, Matthews, Moon, Moreau, Nelson, Newhouse, Osterman, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Thompson, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Charette, Conner, Douthwaite, Ehlers, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Haley, Hanna, Hansen, Haussler, Hawkins, Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, North, O'Brien, Parker, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Tilly, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Ceccarelli, Hurley G. S., Perry, Sawyer.

The Speaker Pro Tem stated the question before the House to be reconsideration of final passage of Engrossed Substitute House Bill No. 1107.

Representatives Matthews and Paris spoke against passage of the bill.

POINT OF INQUIRY

Mr. Kuehnle yielded to question by Mr. Dunlap.

Mr. Dunlap: "Representative Kuehnle, yesterday you indicated that you felt that passage of House Bill No. 1107 would increase the consumption of alcoholic beverages at sporting events, concerts, and what have you, and I wondered if you, having had a chance to review this bill over the past twenty-four hours, are still of that opinion?"

Mr. Kuehnle: "The basic question, not my review of it, is difficult to answer really because it's predicated on trying to guess what the Liquor Control Board would do under the authority they already have. I look into my crystal ball and I don't exactly know what they are going to do; I can see what they started out doing. That was, under existing authority, extending the sale to seating areas and extending the service to seating areas. This was instituted rather recently by the Liquor Control Board. This bill, as section three of the bill has been rewritten, could have the effect of actually limiting that authority of the Liquor Control Board. It does so very specifically, in my opinion, because I think there are some other opinions, but I think it's tightened up to the point where it would not permit the hawking in seating areas. I think, therefore, in this regard it is actually tighter than the language that was there before. On the other hand, my answer yesterday was an honest reflection of my opinion based on the situation which exists today, based on the extension of sales and service to date by the Liquor Control Board. I guess I would still have to answer honestly in the affirmative—that I think there is that possibility, by clearly setting forth and clearly legalizing the capability of the individual to buy a drink in the bar or the satellite bar and carry it out to his seat, I think therefore, civic centers and more racetracks would probably attempt to take advantage of that situation, and I suspect there would be somewhat more consumption of alcoholic beverages in those areas than there would under the existing language today without

further broadening and without further extension of the rules and regulations of the Liquor Control Board."

POINT OF INQUIRY

Mr. Kuehnle yielded to question by Mr. Leckenby.

Mr. Leckenby: "From some remarks I am led to believe that passage of this bill would allow the consumption of liquor at the Opera House, whether it be the Spokane Opera House or the Seattle Opera House—would that follow the same as it would be at the stadiums or whatever?"

Mr. Kuehnle: "This wouldn't change anything in that regard. You must have a license issued by the present authority of the Liquor Control Board in order to serve alcoholic beverages. In the case of hard liquor, it must be in conjunction with a class H license or some of the satellite extensions of the class H license. This situation now already exists in your civic center and the Spokane Opera House, etc. The Liquor Control Board, if I understand correctly, has recently, under the existing language in the statutes, under the same language that would be there if this were defeated, interpreted that language to permit the extension of the service area as far as alcoholic beverage is concerned. I can very honestly say that I think passage of this bill now as written would not create any more licenses for the sale of any more alcoholic beverages anyplace that hasn't already been authorized before."

Mr. Leckenby: "Presently, in the Seattle Opera House, I know you can go into a side room between acts and get a drink, but you can't take that drink back to your seat. Would this law provide that you could take it back to your seat?"

Mr. Kuehnle: "If I understand correctly, your first assumption is erroneous, Representative Leckenby. The second part is yes, under this statute if they have the license to serve alcoholic beverages, then yes, you could take it back to your seat, but I would remind you of the statement made by Representative Blair the other day, and which I have confirmed since, that at the present time the Liquor Board is, under present authority, permitting the sale of and the consumption of alcoholic beverages in the seating areas of some of these events."

Mr. Leckenby spoke against passage of the bill.

Mr. Thompson demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the reconsideration of final passage of Engrossed Substitute House Bill No. 1107, and the bill passed the House by the following vote: Yeas, 52; nays, 41; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Bender, Blair, Brown, Charette, Charney, Conner, Deccio, Douthwaite, Eikenberry, Fischer, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Haley, Hanna, Hansen, Haussler, Hendricks, Hurley M., Jastad, Jueling, Kalich, King, Knowles, Kuehnle, Laughlin, May, McCormick, Nelson, Newhouse, North, O'Brien, Parker, Patterson, Peterson, Polk, Randall, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Valle, Warnke, Wilson.

Voting nay: Representatives Amen, Becker, Berentson, Boldt, Bond, Chandler, Clemente, Cochrane, Curtis, Dunlap, Ehlers, Eng, Erickson, Flanagan, Freeman, Greengo, Hansey, Hawkins, Hayner, Kilbury, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, McKibbin, Moon, Moreau, Osterman, Pardini, Paris, Schumaker, Seeberger, Thompson, Tilly, Whiteside, Williams, Wojahn, Zimmerman.

Not voting: Representatives Ceccarelli, Hurley G. S., Perry, Sawyer.

Engrossed Substitute House Bill No. 1107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Thompson, the House reverted to the sixth order of business.

SECOND READING

Mr. Moon moved that the Committee on Ways and Means – Appropriations be relieved of House Bill No. 1478, and that it be placed at the top of today's second reading calendar.

Representatives Moon and Newhouse spoke in favor of the motion, and Mr. Bagnariol spoke against it.

Mr. Polk spoke in favor of the motion.

ADMONITION BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Polk, you will have to hold your comments to the main question, and that, according to Reed's Rules, is rather limited."

Mr. Polk continued his remarks in favor of the motion.

Mr. Bender demanded the previous question, and a division was requested.

ROLL CALL

The Clerk called the roll on the demand for the previous question on the motion to relieve Ways and Means - Appropriations Committee of House Bill No. 1478, and the demand was sustained by the following vote: Yeas, 62; nays, 31; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Paris, Parker, Randall, Seeberger, Sherman, Shipnosh, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueling, Kuehnle, Lee, Matthews, Nelson, Newhouse, Pardini, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson.

Not voting: Representatives Ceccarelli, Hurley G. S., Perry, Sawyer.

The Speaker Pro Tem stated the question before the House to be the motion by Representative Moon that the Ways and Means - Appropriations Committee be relieved of House Bill No. 1478, and the bill be placed on the second reading calendar.

ROLL CALL

The Clerk called the roll on the motion to relieve Ways and Means - Appropriations Committee of House Bill No. 1478 and place it at the top of today's second reading calendar, and the motion was carried by the following vote: Yeas, 52; nays, 41; not voting, 4.

Voting yea: Representatives Amen, Barnes, Becker, Berentson, Boldt, Brown, Chandler, Charette, Clemente, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Flanagan, Fortson, Freeman, Gaines, Gilleland, Greengo, Haley, Hansey, Haussler, Hayner, Hendricks, Hurley M., Jueling, King, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, May, Moon, Moreau, Nelson, Newhouse, North, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Smith E. P., Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Blair, Bond, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Gallagher, Gaspard, Hanna, Hansen, Hawkins, Jastad, Kalich, Kilbury, Knowles, Maxie, McCormick, McKibbin, O'Brien, Osterman, Parker, Randall, Seeberger, Sherman, Shipnosh, Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Ceccarelli, Hurley G. S., Perry, Sawyer.

MOTION

Mr. Thompson moved that the following bills be placed on the second reading calendar in the order listed: House Bill No. 1255, House Bill No. 1386, House Bill No. 1396, House Bill No. 1445, House Bill No. 1439, House Bill No. 1497, House Bill No. 1544, House Bill No. 1654, House Bill No. 1612.

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "In view of the House carrying the last motion on House Bill No. 1478, where would that be on this motion? Would it be before House Bill No. 1255?"

The Speaker Pro Tem: "The Chief Clerk tells me that the bill is still over in the Ways and Means Committee; it hasn't come over yet."

MOTION

Mr. Newhouse moved that the motion by Representative Thompson be amended, and House Bill No. 1478 be placed before House Bill No. 1445.

The motion was lost.

The motion by Representative Thompson was carried.

MOTIONS

Mr. Newhouse moved that in accordance with House Rule 2, the House proceed with the election of a Speaker.

Mr. Thompson moved that the motion by Representative Newhouse be laid on the table.

Mr. Newhouse demanded an electric roll call on the Thompson motion, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to lay the motion by Representative Newhouse on the table, and the motion was carried by the following vote: Yeas, 49; nays, 44; not voting, 4.

Voting yea: Representatives Bagnariol, Bauer, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaspard, Hanna, Haussler, Hawkins, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Parker, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Adams, Amen, Barnes, Bausch, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Ceccarelli, Hurley G. S., Perry, Sawyer.

MOTION FOR RECONSIDERATION

Mr. Hansey, having voted on the prevailing side, moved that the House reconsider the vote by which the House voted to rerefer Senate Bill No. 3081 from the Committee on Ecology to the Committee on Agriculture.

POINT OF ORDER

Mr. Parker: "Mr. Speaker, I believe that was under the eighth order of business, and we are now on the sixth order of business."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Reed's Rule 205 states as follows: 'It has been laid down by very good authority that motions to reconsider can be made any time during the session, that is, during the whole period for which the assembly sits.' I'm going to rule it in order."

Mr. Hansey spoke in favor of the motion to reconsider, and Mr. Kilbury spoke against it.

Mr. Pardini demanded an electric roll call and the demand was sustained.

Representatives Flanagan and Deccio spoke against the motion.

Mr. Bender demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion for reconsideration of the vote by which Senate Bill No. 3081 was rereferred from Committee on Ecology to Committee on Agriculture, and the motion was lost by the following vote: Yeas, 34; nays, 59; not voting, 4.

Voting yea: Representatives Bauer, Bender, Berentson, Blair, Brown, Chandler, Charnley, Conner, Dunlap, Freeman, Greengo, Hansey, Hawkins, Hendricks, Kalich, Leckenby, Lee, Martinis, Matthews, Maxie, Moreau, Nelson, O'Brien, Paris, Peterson, Polk, Randall, Shinpoch, Smith R., Thompson, Valle, Williams, Wilson, Wojahn.

Voting nay: Representatives Adams, Amen, Bagnariol, Barnes, Bausch, Becker, Boldt, Bond, Charette, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Haley, Hanna, Hansen, Haussler, Hayner, Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Kuehnle, Laughlin, Lux, Lysen, May, McCormick, McKibbin, Moon, Newhouse, North, Osterman, Pardini, Parker, Patterson, Schumaker, Seeberger, Sherman, Smith E. P., Sommers, Tilly, Warnke, Whiteside, Zimmerman.

Not voting: Representatives Ceccarelli, Hurley G. S., Perry, Sawyer.

MOTION

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

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.

Mr. Charnley moved that the rules be suspended, the second reading considered the third, and House Bill No. 1255 be placed on final passage.

POINT OF ORDER

Mr. Kuehnle: "I would like the Speaker to rule on the applicability of Rule 26 relating to this measure."

The Speaker Pro Tem: "A point of order has been raised on Rule 26, the actuary requirements relative to House Bill No. 1255. It appears that House Bill No. 1255 pertains to disability pensions and therefore doesn't come within the realm of this rule relative to retirement funding programs. The Speaker would also like to call to your attention the fact the time for making these objections to a point of order should be raised before consideration has begun on any subject matter."

The motion was carried.

Representatives Conner, Kuehnle and Warnke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1255, and the bill passed the House by the following vote: Yeas, 91; nays, 0; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Ceccarelli, Deccio, Hurley G. S., Perry, Sawyer, Seeberger.

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.

HOUSE BILL NO. 1386, by Representatives Randall and Gilleland (by Department of Revenue request):

Providing for annual property revaluation by counties.

The bill was read the second time.

Committee on Ways and Means - Revenue recommendation: Majority, do pass as amended. (For amendments, see Journal, Fifteenth Day, 2nd ex. sess., January 19, 1976.)

On motion of Mr. Randall, the committee amendments to page 2 and page 3 were adopted.

Mr. Randall moved adoption of the committee amendment to page 4, line 4.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Pardini.

Mr. Pardini: "The language in this deals with computers and says, 'no county shall be able to purchase or obtain access to . . .' That is being stricken and you are saying 'no county shall be able to directly or indirectly purchase computers . . .' With the striking of the obtaining access to, could a county either purchase, lease or contract for the services of a computer service corporation?"

Mr. Randall: "Yes, they could."

The amendment was adopted.

House Bill No. 1386 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1386 was placed on final passage.

Mr. Randall spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Flanagan.

Mr. Flanagan: "Apparently this bill is to raise some money to buy computers and various equipment. What's the ten cents for then?"

Mr. Randall: "This does not allow specifically the purchase of computer equipment for this to annually update."

Mr. Flanagan: "The purpose of this ten cents is to raise money to, in some manner, acquire equipment of various kinds, the end purpose of which is to be able to have annual evaluations, is that right? I would like to know how they intend to do this annual evaluation with this equipment. Inasmuch as that's the purpose of the whole thing, I'd like to know a little more about it."

Mr. Randall: "The following areas are generally the areas that will be addressed: Data base preparation, time schedules, manhour projections for data base preparation, sales price data and verification plan, parcel numbering systems, data processing of soft wares, personal and equipment acquisition—there is a whole laundry list of things the counties will do under this to upgrade their ability to go on annual revaluation systems. The goal of the systems, whether they can get there in two years or not, will remain to be seen. Any county not wishing to participate doesn't have to, but if they feel that their revaluation system needs to be upgraded to get to this annual updating, they have the option to do it under this plan."

Mr. Flanagan: "If the county doesn't enter this system, they are still within the law by getting this done once every four years?"

Mr. Randall: "Yes, they are still within the law."

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Leckenby.

Mr. Leckenby: "How can you increase valuation above its full value and then apply the one percent tax to it and still be within the requirements?"

Mr. Randall: "Two or three years ago, when we passed the infamous House Bill No. 186, we decreased local government levies by ten percent, from \$2 to \$1.80. This brings back ten cents, so we are well within the one percent level."

Representatives Eikenberry and Schumaker spoke against passage of the bill, and Mr. Randall spoke again in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1386, and the bill failed to pass the House by the following vote: Yeas, 44; nays, 47; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Bausch, Bender, Blair, Boldt, Brown, Chandler, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Gaspard, Haley, Hanna, Hawkins, Hendricks, Kilbury, King, Knowles, Kuehnle, Laughlin, Lux, Martinis, Moon, Nelson, O'Brien, Osterman, Pardini, Paris, Patterson, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Zimmerman.

Voting nay: Representatives Amen, Barnes, Bauer, Becker, Berentson, Bond, Charette, Curtis, Deccio, Dunlap, Eikenberry, Eng, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Hansen, Hansey, Haussler, Hayner, Hurley M., Jastad, Juelling, Leckenby, Lee, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moreau, Newhouse, North, Parker, Peterson, Polk, Randall, Schumaker, Tilly, Whiteside, Wilson, Wojahn.

Not voting: Representatives Ceccarelli, Hurley G. S., Kalich, Perry, Sawyer, Seeberger.

Engrossed House Bill No. 1386, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Mr. Randall, having voted on the prevailing side, served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed House Bill No. 1386 failed to pass the House.

HOUSE BILL NO. 1396, by Representatives Douthwaite, Haussler, Peterson and Blair:

Raising from \$500 to \$2,500 the amount of purchases the department of general administration may make without obtaining sealed bids.

The bill was read the second time.

Committee on State Government recommendation: Majority, do pass as amended. (For amendment, see Journal, Twenty-sixth Day, 2nd ex. sess., January 30, 1976.)

On motion of Ms. Sommers, the committee amendment was adopted.

House Bill No. 1396 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1396 was placed on final passage.

Representatives Sommers and Douthwaite spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1396, and the bill passed the House by the following vote: Yeas, 92; nays, 0; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Ceccarelli, Hurley G. S., Perry, Sawyer, Seeberger.

Engrossed House Bill No. 1396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 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.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and House Bill No. 1445 was placed on final passage.

POINT OF INQUIRY

Mr. Charnley yielded to question by Mr. Pardini.

Mr. Pardini: "Under the present appropriations bill to higher education if the higher education institutions overenroll beyond a certain limit then they have to rebate back to the general fund. Would these students be exempt from that limitation and not be included, in that count?"

Mr. Charnley: "House Bill No. 1439, next on the calendar, deals with that specific problem."

Representatives Charnley, Peterson and Zimmerman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1445, and the bill passed the House by the following vote: Yeas, 80; nays, 10; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bausch, Becker, Bender, Berentson, Blair, Bond, Brown, Chandler, Charette, Charnley, Clemente, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Hawkins, Hendricks, Hurley M., Jueling, Kalich, King, Knowles, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bauer, Boldt, Cochrane, Gallagher, Haussler, Hayner, Jastad, Kilbury, Kuehne, Leckenby.

Not voting: Representatives Ceccarelli, Haley, Hurley G. S., Maxie, Perry, Sawyer, Seeberger.

House Bill No. 1445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 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.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and House Bill No. 1439 was placed on final passage.

Mr. Moreau spoke in favor of passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Mr. Patterson: "This makes reference to the state universities and colleges and I'm just wondering if we have a problem with the title by not including that in there?"

The Speaker Pro Tem: "Apparently we could hold it over and delay action on it."

Mr. Patterson: "That's not my intention."

The Speaker Pro Tem: "I think the practical thing to follow would be to send it over to the Senate, and if you have any question, you could have them amend the title over there."

POINT OF INQUIRY

Mr. Moreau yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "I'm a little concerned, Representative Moreau, that this could have the effect of actually creating a sort of reverse discrimination type of thing. If I understand correctly, when our universities or community colleges overenroll, they not only are beating the costs of the initial students, but they aren't able to keep the tuition paid by those students. Now, if I understand the thrust of this correctly, it would say that this situation still prevails if you overenroll. You beat the costs associated with having that extra student there and you refund the tuition to the state; you can't keep it, except that if that particular student is a refugee under the terms of this act, then you can keep the tuition. Unless I misinterpret that, it would appear to me that a college or university might have a tendency to prefer refugees to the neighborhood kids so that then they could keep the resident tuition. It looks like reverse discrimination. Could you straighten me out?"

Mr. Moreau: "The intent of this, as I interpret it, is, if an overenrollment is caused by Viet Nameese refugees, then those funds will stay local; they will not be returned to the state. If they did not stay local, and were returned to the state, then actually we would be penalizing the school, possibly then penalizing some citizens. By doing this you are not counting the refugees in the contract enrollment level, so therefore you are not penalizing them, but you are also not penalizing the schools so they can go ahead and enroll up to their normal limit. Do you follow me on this?"

Mr. Kuehnle: "I'll confess to being a little dense, but I think you said the same thing that I was saying, that in the case of overenrollment, then the rest of the tuition paid by the refugee may be retained by the institution; but the tuition paid by the neighborhood kid has to be shipped over here to Olympia, in which case it appears to me that it is reverse discrimination."

Mr. Moreau: "That's not really the case. Actually, any tuition over and above the contract enrollment would normally be returned. Now if you enroll Viet Nameese students without this bill, you would be returning all tuitions to the state and therefore jeopardizing the enrollments of not only Viet Nameese students, but citizens of the state."

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1439, and the bill passed the House by the following vote: Yeas, 74; nays, 14; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bausch, Becker, Bender, Berentson, Blair, Bond, Brown, Chandler, Charette, Charnley, Clemente, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Hanna, Hansey, Hawkins, Hayner, Hendricks, Juelling, Kalich, King, Knowles, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien,

Osterman, Pardini, Paris, Parker, Patterson, Peterson, Randall, Sherman, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bauer, Boldt, Cochrane, Flanagan, Gallagher, Hansen, Haussler, Hurley M., Jastad, Kilbury, Kuehnle, Leckenby, Schumaker, Shinpoch.

Not voting: Representatives Ceccarelli, Deccio, Haley, Hurley G. S., Maxie, Perry, Polk, Sawyer, Seeberger.

House Bill No. 1439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 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.

On motion of Mrs. Hayner, the following amendments by Representatives Hayner, Pardini, Bagnariol and Deccio were adopted:

On page 7, following line 22 insert new subdivisions within subsection (1) as follows:

"(a) notify the association promptly whenever he or any of his examiners has, or comes into, possession of any data or information relative to any insurer under his jurisdiction for any purpose indicating that such insurer is in or is approaching a condition of impaired assets, imminent insolvency, or insolvency. (b) furnish to the association copies of all preliminary and final audits, investigations, memorandums, opinions, and reports relative to any insurer under his jurisdiction for any purpose, promptly upon the preparation of any thereof."

Renumber the remaining subsections consecutively.

On page 8, following line 13 insert a new subsection as follows:

"(3) Whenever the commissioner or any of his examiners comes into possession of or obtains any data or information indicating that any insurer under his jurisdiction for any purpose is in or is approaching a condition of impaired assets, imminent insolvency, or insolvency, he shall within fifteen days of having such data or information commence investigation and/or take formal action relative to any such insurer, and in addition within said time shall notify the association of such condition. Upon failure of the commissioner so to act, the association is hereby authorized and directed to act and commence appropriate investigation or proceedings or may at its option refer the matter to the attorney general for appropriate action relative to which the attorney general shall keep the association advised throughout any such action or proceedings."

Renumber the remaining subsection consecutively.

On motion of Mr. Pardini, the following amendment by Representatives Hayner, Pardini and Deccio was adopted:

On page 11, following section 11 add a new section as follows:

"NEW SECTION. Sec. 12. 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 Mrs. Hayner, the following amendment to the title was adopted:

On page 1, line 14 of the title after "RCW;" strike "and" and on line 15 of the title after "48.32 RCW" insert "; and declaring an emergency"

House Bill No. 1497 was ordered engrossed.

On motion of Mr. Bender, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1497 was placed on final passage.

Mr. Fischer spoke in favor of passage of the bill.

Mr. Curtis demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Ceccarelli, Charette, Eikenberry, Greengo, Haley, Hansey, Hurley (George), Kuehnle, Leckenby, McKibbin, Patterson, Perry, Polk, Sawyer, Seeberger and Wilson.

Mr. Thompson moved that the absent members be excused and the House proceed with business under the Call of the House.

A division was requested.

ROLL CALL

The Clerk called the roll on the motion to excuse the absent members and proceed with business under the Call of the House, and the motion was carried by the following vote: Yeas, 54; nays, 27; not voting, 16.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, Moon, Moreau, North, O'Brien, Parker, Randall, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Hayner, Hendricks, Juelling, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Peterson, Schumaker, Tilly, Whiteside, Zimmerman.

Not voting: Representatives Ceccarelli, Charette, Eikenberry, Greengo, Haley, Hansey, Hurley G. S., Kuehne, Leckenby, McKibbin, Patterson, Perry, Polk, Sawyer, Seeberger, Wilson.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business.

Representatives Charette, Eikenberry, Leckenby and Polk appeared before the bar of the House.

THIRD READING

Mr. Pardini moved that SUBSTITUTE HOUSE BILL NO. 1380 be rereferred to Committee on Natural Resources.

Mr. Thompson spoke in favor of the motion, and it was carried.

Mr. Thompson moved that HOUSE BILL NO. 1335 be made a special order of business at 3:55 p.m. today.

Mr. Pardini spoke against the motion.

POINT OF ORDER

Mr. Charette: "Mr. Speaker, my point of order is that I believe we have a House rule that states you can't speak more than ten minutes, and it seems to me that Representative Pardini has already spoken for half an hour."

The Speaker Pro Tem: "We have timed him and know when he started. Continue, Representative Pardini."

Mr. Pardini continued, speaking against the motion.

POINT OF ORDER

Mr. Newhouse: "There was a vote pending before the House on the bill bumped to third reading, House Bill 1497. We should proceed and finish with that bill before the four o'clock deadline for consideration of House bills."

The Speaker Pro Tem: "The House advanced on a motion to the seventh order of business."

Representatives Greengo, Hansey, Kuehne, McKibbin, Patterson and Wilson appeared before the bar of the House.

MOTION

Mr. Polk moved that the House adjourn until 12:00 noon, Monday, February 9, 1976.

The Speaker Pro Tem stated the question before the House to be the motion that House Bill No. 1335 be made a special order of business at 3:55 p.m. today.

Mr. Polk demanded an oral roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to make House Bill No. 1335 a special order of business at 3:55 p.m. today, and the motion carried by the following vote: Yeas, 58; nays, 33; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Charette, Charnley, Clemente, Cochrane, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines,

Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Patterson, Peterson, Randall, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Barnes, Berentson, Bond, Brown, Chandler, Conner, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Hansen, Hansey, Hayner, Hendricks, Juelling, Kuehnle, Leckenby, Lee, Nelson, Newhouse, Pardini, Paris, Parker, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Ceccarelli, Haley, Hurley G. S., Perry, Sawyer, Seeberger.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Monday, February 9, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

THIRTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, February 9, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Curtis, Lee, Perry, Sawyer and Wojahn. Representatives Ceccarelli, Curtis, Perry, Sawyer and Wojahn were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kyle McMurray and Robert Hess. Prayer was offered by Father James H. Blundell of St. John's Episcopal Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

February 6, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 2996,
 SUBSTITUTE SENATE BILL NO. 3007,
 ENGROSSED SENATE BILL NO. 3017,
 SENATE BILL NO. 3019,
 SENATE BILL NO. 3032,
 ENGROSSED SENATE BILL NO. 3047,
 ENGROSSED SENATE BILL NO. 3056,
 ENGROSSED SENATE BILL NO. 3061,
 SENATE BILL NO. 3073,
 SENATE BILL NO. 3076,
 ENGROSSED SENATE BILL NO. 3094,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3097,
 SUBSTITUTE SENATE BILL NO. 3098,
 ENGROSSED SENATE BILL NO. 3116,
 ENGROSSED SENATE BILL NO. 3123,
 SENATE BILL NO. 3154,
 SUBSTITUTE SENATE BILL NO. 3185,
 SUBSTITUTE SENATE BILL NO. 3274,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

February 6, 1976

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1299,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2996, by Committee on State Government (Originally sponsored by Senators Knoblauch and North):

Removing election day as a state holiday.

To Committee on State Government

SUBSTITUTE SENATE BILL NO. 3007, by Committee on Labor (Originally sponsored by Senators Benitz, Sellar and Talley):

Authorizing coverage of volunteer law enforcement officers under the industrial insurance laws.

To Committee on Labor

ENGROSSED 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.

To Committee on Ways and Means - Appropriations

SENATE BILL NO. 3019, by Senators Day, Lewis (Harry), McDermott and Buffington:

Establishing geriatric day service program.

To Committee on Social and Health Services

SENATE BILL NO. 3032, by Senators Day, Matson and Goltz:

Authorizing public hospital districts broader powers to make contracts.

To Committee on Social and Health Services

ENGROSSED SENATE BILL NO. 3047, by Senators Ridder, Marsh and Morrison:

Clarifying intent of recent change in industrial insurance law.

To Committee on Labor

ENGROSSED SENATE BILL NO. 3056, by Senators Lewis (R. H. "Bob") and Beck:

Waiving instructional requirements for previously qualified election officers.

To Committee on Constitution and Elections

ENGROSSED 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.

To Committee on Labor

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.

To Committee on Constitution and Elections

SENATE BILL NO. 3076, by Senators Van Hollebeke and Scott:

Increasing statutory attorney's fees.

To Committee on Judiciary

ENGROSSED SENATE BILL NO. 3094, by Senators Wilson, Walgren, North, McDermott, Bluechel, Jolly and Morrison:

Establishing the Washington library network.

To Committee on Local Government

ENGROSSED SUBSTITUTE SENATE BILL NO. 3097, by Committee on State Government (Originally sponsored 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.

To Committee on State Government

SUBSTITUTE SENATE BILL NO. 3098, by Committee on State Government (Originally sponsored by Senators Rasmussen and Lewis (Harry)):

Authorizing payroll deductions for combined health agencies program.

To Committee on State Government

ENGROSSED SENATE BILL NO. 3116, by Senators Francis, Van Hollebeke and Jones:

Making changes in the laws relating to incorrigible children.

To Committee on Judiciary

ENGROSSED SENATE BILL NO. 3123, by Senators Day, Herr, Cunningham and Guess:

Revising the definition of "gravely disabled" as regards mental disorders.

To Committee on Social and Health Services

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.

To Committee on Judiciary

SUBSTITUTE SENATE BILL NO. 3185, by Committee on State Government (Originally sponsored by Senator Lewis (Harry)):

Relating to state government.

To Committee on State Government

SUBSTITUTE SENATE BILL NO. 3274, by Committee on Transportation and Utilities (Originally sponsored by Senator Walgren):

Authorizing toll bridge authority to guarantee payment of bond for public facilities reasonably related to improvement of ferry systems.

To Committee on Transportation and Utilities

MOTION

On motion of Mr. Thompson, all bills listed on today's agenda were referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 6, 1976

HOUSE BILL NO. 812, Prime Sponsor: Representative North, providing for humane treatment of animals. Reported by Committee on Agriculture.

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 5, chapter 146, Laws of 1901 as amended by section 1, chapter 12, Laws of 1974 ex. sess. and RCW 16.52.080 are each amended to read as follows:

(1) Any person who wilfully transports or confines or causes to be transported or confined any domestic animal or animals in a cruel or unnecessarily painful manner, posture, or confinement shall be guilty of a misdemeanor. And whenever any such person shall be taken into custody or be subject to arrest pursuant to a valid warrant therefor by any officer or authorized person, such officer or person may take charge of the animal or animals; and any necessary expense thereof shall be a lien thereon to be paid before the animal or animals may be recovered; and if the expense is not paid, it may be recovered from the owner of the animal or the person guilty. If the county sheriff shall find that said domestic animal has been neglected by its owner, he may authorize the removal of the animal to a proper pasture or other suitable place for feeding and restoring to health.

(2) If the county sheriff or other peace officer shall have probable cause to believe that any animal has been neglected by its owner, he may authorize the removal of the animal to a suitable place for feeding and restoring to health.

Notwithstanding any other provisions of law, any officer of a pound or animal regulation department or humane society, or any officer of a police or sheriff's department, or any other peace officer may, with the approval of his immediate superior when a veterinarian is not available, or with the approval of a veterinarian when available, humanely destroy any animal where there is probable cause to believe that the physical condition of the animal is such that, due to causes including, but not limited to, injury, neglect,

abandonment, or illness, the animal cannot be moved, or where a veterinarian is not reasonably available to render aid, and it would be more humane to dispose of such animal than allow it to suffer.

No peace officer or other officer as above acting in accordance with this subsection shall be criminally or civilly liable for any decision which he makes for which he had probable cause, or for actions which he may take for which he had probable cause pursuant to this subsection.

NEW SECTION. Sec. 2. Section 2, chapter 12, Laws of 1974 ex. sess. and RCW 16.52.085 are each repealed."

Beginning in line 1 of the title, after "animals;" strike the remainder of the title down to and including "penalties" in line 23 and insert "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"

Signed by Representatives Kilbury, Chairman; Boldt, Vice Chairman; Becker, Deccio, Erickson, Hansen, Laughlin.

MINORITY recommendation: Do not pass. Signed by Representative Schumaker.

To Committee on Rules for second reading.

February 5, 1976

HOUSE BILL NO. 1416, Prime Sponsor: Representative Bauer, authorizing purchase of liability insurance by state board of education and superintendent of public instruction protecting them in their official acts. Reported by Committee on Education.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8 after "instruction" insert", as ex officio president of the board,"

On page 1, line 14 after "duties" insert "in the above mentioned capacities"

Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Boldt, Dunlap, Ehlers, Fortson, Hayner, Hendricks, Valle, Warnke, Whiteside.

To Committee on Rules for second reading.

February 5, 1976

HOUSE BILL NO. 1501, Prime Sponsor: Representative Pardini, exempting insulation, solar heating and cooling materials from sales and use taxes. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: Do pass with the following amendments:

On page 8, line 3 strike "by the owner thereof"

On page 8, line 4 strike "within" and insert "into"

On page 8, following line 5, insert:

"This subsection shall expire on December 31, 1984 unless extended by the legislature for a fixed period of time."

On page 8, following line 8 insert:

"This subsection shall expire on December 31, 1984 unless extended by the legislature for a fixed period of time."

On page 13, line 34 strike "by the owner thereof"

On page 13, line 35 strike "within" and insert "into"

On page 14, following line 1, insert:

"This subsection shall expire on December 31, 1984 unless extended by the legislature for a fixed period of time."

On page 14, following line 4 insert:

"This subsection shall expire on December 31, 1984 unless extended by the legislature for a fixed period of time."

Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Brown, Eikenberry, Kilbury, Moreau, Nelson, Pardini, Sommers.

MINORITY recommendation: Do not pass. Signed by Representative Moon.

To Committee on Rules for second reading.

February 6, 1976

SENATE BILL NO. 2130, Prime Sponsor: Senator Washington, adding provisions for recovery and recycling to litter control and solid waste collection laws. Reported by Committee on Ecology.

MAJORITY recommendation: Do pass 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"

Signed by Representatives Valle, Chairwoman; Bauer, Chandler, Charnley, Douthwaite, Gallagher, Hawkins, Lux, Zimmerman.

To Committee on Rules for second reading.

February 5, 1976

ENGROSSED SENATE BILL NO. 2994, Prime Sponsor: Senator Woody, permitting association formed by schools under Interlocal Cooperation Act for purchases of school supplies and equipment to mortgage property. Reported by Committee on Education.

MAJORITY recommendation: Do pass 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"

Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Boldt, Dunlap, Ehlers, Fortson, Hayner, Hendricks, Valle, Warnke, Whiteside.

To Committee on Rules for second reading.

February 5, 1976

ENGROSSED SENATE BILL NO. 3025, Prime Sponsor: Senator Stortini, mandating school districts to set forth policy for reduction-in-force of school personnel. Reported by Committee on Education.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 7 after "1977," insert "and pursuant to chapter 41.56 and 41.59 RCW,"

Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Bender, Boldt, Brown, Ehlers, Fortson, Gaspard, Hendricks, Warnke.

MINORITY recommendation: Do not pass. Signed by Representatives Barnes, Dunlap, Hayner, Whiteside.

To Committee on Rules for second reading.

February 5, 1976

SENATE BILL NO. 3026, Prime Sponsor: Senator Gould, learning objectives. Reported by Committee on Education.

MAJORITY recommendation: Do pass. Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Boldt, Brown, Dunlap, Ehlers, Fortson, Hayner, Hendricks, Valle, Warnke, Whiteside.

To Committee on Rules for second reading.

February 6, 1976

SENATE BILL NO. 3033, Prime Sponsor: Senator Day, deleting mutual corporations of hospitals insuring against liability from definition as "insurer". Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Smith (Rick), Subcommittee Chairman; Gaspard, Hanna, Newhouse, Sherman.

To Committee on Rules for second reading.

February 6, 1976

SUBSTITUTE SENATE BILL NO. 3233, Prime Sponsor: Senator Woody, providing for liability insurance for the University of Washington against certain claims. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Gaspard, Hanna, Sherman.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Ceccarelli, Curtis, Lee, Matthews, Perry, Sawyer and Wojahn. Representatives Ceccarelli, Curtis, Perry, Sawyer and Wojahn were excused.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:
SUBSTITUTE HOUSE BILL NO. 1299.

MOTION

On motion of Mr. Thompson, the House advanced to the eighth order of business.

MOTION FOR RECONSIDERATION

Mr. Randall, having served notice on the preceding day and having voted on the prevailing side, now moved that the House reconsider the vote by which Engrossed House Bill No. 1386 failed to pass the House.

Mr. Randall spoke in favor of the motion, and Mr. Eikenberry spoke against it.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Amen.

Mr. Amen: "Representative Randall, before I vote I would like a couple of questions answered. First of all, those counties that do not wish to go into this, would they have to collect that ten cents per thousand dollars, and second, this runs for how many years then?"

Mr. Randall: "This is purely a voluntary program to be initiated by the counties. They can only levy up to ten cents that amount their plans show it will cost. They cannot levy ten cents if their plan of attack to develop the ability to annually revalue is only going to run two cents, so not only is it optional, but chances are they cannot utilize the full ten cents if they were to want to. The second question is that it does have a positive cutoff. It has a two-year cutoff and they must take advantage of it over the next two years or they don't have a chance to pick it back up."

Mr. Amen: "Who decides whether they collect the ten cents, the assessor or the commissioners?"

Mr. Randall: "The county commissioners in cooperation with their assessor instigate their plan and submit that to the Department of Revenue. They will go over it very carefully to see whether it complies with the criteria that they have set down to do this and if the Department okays the plan, the commissioners can go ahead and make that levy."

Mr. Haussler spoke in favor of the motion.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Pardini.

Mr. Pardini: "Representative Randall, you indicated that this would cost probably two to three cents, yet we allow them to go up to ten cents. I'm weighing my vote and I'm wondering if you will agree to hold this bill for a day or two while we study the impact of it, and if we find out that in fact it is two or three cents, would you agree to some kind of an amendment that would bring that back down there so that we could hold that lid where it is on property taxes?"

Mr. Randall: "To both question, the answer is yes."

The motion was carried.

MOTIONS

On motion of Mr. Thompson, further consideration of Engrossed House Bill No. 1386 was deferred, and the bill was ordered placed on the third reading calendar for tomorrow.

On motion of Mr. Thompson, the House reverted to the seventh order of business.

THIRD READING

Mr. Thompson moved that the following bills be rereferred to Committee on Rules: HOUSE BILL NO. 1335, ENGROSSED HOUSE BILL NO. 1362, ENGROSSED HOUSE BILL NO. 1497 and HOUSE JOINT RESOLUTION NO. 5.

Mr. Thompson spoke in favor of the motion.

MOTION

Mr. Kuehnle moved that the Thompson motion be amended to include Substitute House Bill No. 1380.

Mr. Kuehnle spoke in favor of the motion, and Representatives Randall and Hurley (Margaret) spoke against it.

The motion by Mr. Kuehnle was lost, and the motion by Mr. Thompson was carried.

MOTION

On motion of Mr. Thompson, the House reverted to the sixth order of business.

SECOND READING

Mr. Thompson moved that the following bills be rereferred to Committee on Rules: HOUSE BILL NO. 1544, HOUSE BILL NO. 1654, HOUSE BILL NO. 1612, HOUSE BILL NO. 1295, SUBSTITUTE HOUSE BILL NO. 514, HOUSE BILL NO. 1391, HOUSE BILL NO. 1418, HOUSE BILL NO. 1402, HOUSE BILL NO. 1491, HOUSE BILL NO. 1583, HOUSE JOINT RESOLUTION NO. 12, HOUSE BILL NO. 1328, HOUSE BILL NO. 78, HOUSE BILL NO. 711 and HOUSE BILL NO. 1293.

Mr. Thompson spoke in favor of the motion.

Mr. Newhouse moved that Mr. Thompson's motion be amended to exclude House Bill No. 1654.

Mr. Newhouse spoke in favor of the motion to amend the Thompson motion, and Mr. Thompson spoke against it.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Polk.

Mr. Polk: "Representative Thompson, did your motion include House Bill No. 1353?"

Mr. Thompson: "I intended that it should, and I leave it up to the Speaker to determine if I may add it at this time."

The Speaker, hearing no objections, added HOUSE BILL NO. 1353 to the list to be rereferred to Committee on Rules.

Mr. Newhouse withdrew his motion amending the Thompson motion, and the motion by Representative Thompson was carried.

SUBSTITUTE HOUSE BILL NO. 1345, by Committee on Education (Originally sponsored by Representatives Bauer, Bender and Ehlers):

Providing for a priority program of education.

The bill was read the second time.

Committee on Ways and Means - Appropriations recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-first Day, 2nd ex. sess., February 4, 1976.)

Mr. Shinpoch moved adoption of the committee amendment, adding a new section 17.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "I recognize this is a committee amendment adopted by the full Ways and Means Committee at a time when the bill was talking about full statewide testing in certain

grades. There is an amendment on the desk that would change that to random sampling. I'm not sure what the cost of random sampling might be, but conceivably it would be less. In the event that random sampling carries, would we have a chance to go back into this committee amendment and adjust that cost downwards? Or maybe someone would inform us if the random sampling would cost as much; I'm not sure."

The Speaker Pro Tem: "Apparently the amendment is broad enough that it states the amount to be expended shall be enough to implement its provisions, so you have a wide latitude there, and also if you have material adjustments in amendments to the bill, you could always move to reconsider and cut it."

The committee amendment was adopted.

On motion of Mr. Polk, the following amendments were adopted:

On page 4, line 18 after "state-wide" and before "certificated" insert "average"

On page 5, line 1 after "wide" and before "classified" insert "average"

Mr. Bauer moved adoption of the following amendment by Representatives Bauer, Shinpoch and Flanagan:

On page 2, beginning on line 16 strike all of sections 4, 5, 6, 7, 8, 9, 10, 11 and 12 and renumber the remaining sections and make internal reference changes accordingly.

Representatives Bauer and Flanagan spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Polk.

Mr. Polk: "Apparently the appropriation that was added, the \$660,000, was for the testing program. If I understand what you said earlier in your remarks, the new funding formula that is laid out in the bill, if we don't adopt your amendment, would cost an additional sum of money as well if we were to fund it the way we understand the formula to be. Is that correct, and what then would be the obligation the state would have to educational funding?"

Mr. Bauer: "Mr. Polk, you are referring to the \$660,000 to carry out the intent of the testing portion of this section 13 of this bill?"

Mr. Polk: "Well, other than the \$660,000, the formula that is set up is making an additional obligation of the state to education, does it not? How much additional?"

Mr. Bauer: "I think then your amendment on page 4, line 18, statewide average certificated base pay, if you were to take that, multiply it by all the staff characteristics, multiply it by the number of students, subtract the amount of money we are now appropriating for education, you'd have the amount necessary to put in this bill to fully implement this formula."

Mr. Polk: "I'm figuring quickly here—would \$275-300 million be a fair figure?"

Mr. Bauer: "You're probably within a hundred million."

Mr. Polk: "Do we have any runs to indicate what kind of money we're talking about? Have the Ways and Means or Education Committees developed any information to tell us how much the impact of this is going to be if we adopt it?"

Mr. Bauer: "In 1973 we had all those runs to indicate the amount of money necessary. They are available now; they haven't changed and we can make it available to you."

The amendment was adopted.

On motion of Mr. Brown, the following amendment was adopted:

On page 10, line 16 after "during the" strike "1976-77" and insert "1977-78"

Mr. Hanna moved adoption of the following amendment by Representatives Hanna, Becker and Bagnariol:

On page 9, beginning on line 34 after "13." strike all material down to and including "legislature." on page 10, line 18 and insert:

"There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

It is the intent of the legislature that every school district annually assess the reading and writing abilities of students so that such students may be given intensive remedial help and counseling if necessary.

Every district shall annually assess the abilities of all students to compose a written sample of readable prose appropriate to that level, and to read and comprehend English or other appropriate language composition appropriate to that level. A committee or committees of district educational personnel shall be

formed in each district to evaluate the individual results of the student assessment. In evaluating each student, the committee or committees may use the results of standardized tests or develop its own evaluation. The committee or committees shall determine that individual students whose level of accomplishment is judged to be unsatisfactory, be placed into an intensive remedial program to overcome deficiencies in reading and writing skills; or be held at their grade level until a proficiency level is achieved; and/or be counseled to follow an educational program oriented toward vocational training rather than academic/college training."

Mrs. Hayner moved adoption of the following amendment by Representatives Hayner, Paris and Dunlap to the amendment by Representatives Hanna, Becker and Bagnariol:

On page 1, line 2 of the amendment after "follows" strike the remainder of the amendment and insert the following:

"(1) It shall be the intent and purpose of sections 13 and 14 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.

NEW SECTION. Sec. 14. There is added to chapter 233, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The office of superintendent of public instruction, in cooperation with the educational service districts, is hereby directed to work with each of the state's school districts to encourage all local districts to utilize standardized tests from a list approved by the office of the superintendent of public instruction for testing for all students in grade levels 4, 8 and 11 to assess the achievement levels of the students in these grade levels in the areas of basic skills of reading, writing, mathematics and language arts. The purpose of such testing shall be (1) to aid in program and instruction evaluation for individual students, and the district's evaluation of its programs, and (2) make available to every parent with information on their children's achievement levels in each of the selected grade levels."

Renumber the remaining sections consecutively.

Representatives Hayner, Pardini and Dunlap spoke in favor of the amendment to the amendment, and Representatives Hanna, Charette, Fortson, Hurley (George) and Bender spoke against it.

POINT OF INQUIRY

Mrs. Hayner yielded to question by Mr. Amen.

Mr. Amen: "You have visited with the Superintendent of Public Instruction on this. I have a couple of questions: Number one, did the Superintendent feel this would give a good sampling, for instance if we have two thousand per grade, I think it figures out about six per grade per school? Now getting into smaller schools as in my area, it might be just two or three per grade. Does the Superintendent feel he can get a good sampling of how this school is doing compared to another school? Second question—do you have any estimation of what the cost of this would be? This is probably a minor consideration, but something that we should consider."

Mrs. Hayner: "First as far as the sampling is concerned—they have a very scientific way of doing this in other states where they do it. They include people from the large areas, the rural areas, the middle-sized areas. You know the Gallup and Harris polls do a fantastic job

of accurately predicting the future, and they certainly don't do it on the basis of two thousand out of sixty thousand, so I think that this has been worked out and can be done very efficiently—in fact, is being done very efficiently in other states. As far as the cost is concerned, I can't tell you exactly, but of course it would be far, far less than testing at second, fourth, eighth and eleventh, all at the state level."

Representatives Bauer and Shinpoch spoke against the amendment.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Pardini.

Mr. Pardini: "Listening very carefully to your arguments, one question eludes me, and it will be the fact on which I make up my mind on this. If we test all of the children, rather than the random sampling, will we still be able to compare from school district to school district to evaluate the program's effectiveness all across the state?"

Mr. Bauer: "Yes, we will. You'll have both objectives achieved if you test every child."

Representatives Zimmerman, Whiteside, Kalich and Brown spoke in favor of the amendment to the amendment.

Mr. Bender demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Hayner and others to the amendment by Representatives Hanna, Becker and Bagnariol, and the amendment to the amendment was not adopted by the following vote: Yeas, 32; nays, 57; not voting, 8.

Voting yea: Representatives Barnes, Berentson, Blair, Bond, Brown, Chandler, Deccio, Dunlap, Eikenberry, Eng, Freeman, Gilleland, Greengo, Hayner, Hendricks, Jastad, Jueling, Kalich, Kuehnle, Leckenby, Moon, Nelson, Newhouse, Paris, Parker, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Haley, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moreau, North, O'Brien, Osterman, Pardini, Patterson, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Not voting: Representatives Ceccarelli, Curtis, Hansey, Lee, Matthews, Perry, Sawyer, Wojahn.

Mrs. Hurley (Margaret) moved adoption of the following amendment to the amendment: On line 12 after "personnel" insert "exclusive of classroom teachers"

Mrs. Hurley spoke in favor of the amendment, and Representatives Becker and Hanna spoke against it.

Mrs. Hurley spoke again in favor of the amendment.

The amendment to the amendment was not adopted.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Hanna, Becker and Bagnariol.

Representatives Ehlers and Eikenberry spoke against the amendment.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Flanagan.

Mr. Flanagan: "Representative Bauer, from what I've heard here and from reading the bill, I think I'm in favor of the bill without any amendment, or the present amendment, but I'd like to know, from what you have in mind, what organizations do you mean when you talk about the various educational organizations that assist? When you say the school districts that assist, who from the school districts would be giving the assistance? Could you give me some idea of what you have in mind in that regard?"

Mr. Bauer: "In my discussions with the Superintendent of Public Instruction, on other issues such as this where the expertise of the local school district is important, the people who conduct tests in those local school districts, the experts in that area, the Superintendents, the board members, school teachers, other people in the whole educational family, state board,

professional organizations. The SPI is rather liberal in asking them to have some input into that, and I assume this means a rather broad interpretation there."

Mr. Flanagan: "In other words, you think all the different organizations, school directors, superintendents, WEA, and all would be used for advice here?"

Mr. Bauer: "That's right."

Mr. Dunlap moved adoption of the following amendment to the Hanna, Becker, Bagnariol amendment:

On line 6 after "reading and writing" insert "and computational" and on line 18 after "writing" insert "and computational"

Representatives Dunlap, Hanna and Douthwaite spoke in favor of the amendment to the amendment, and Mr. Ehlers spoke against it.

The amendment to the amendment was adopted.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Hanna, Becker and Bagnariol as amended.

Mr. Hanna spoke in favor of the amendment, and Representatives Williams, Fortson and Chandler spoke against it.

Mr. Knowles demanded the previous question, and the demand was sustained.

The amendment as amended was lost.

On motion of Mr. Bauer, the following amendments by Representatives Bauer, Shinpoch and Flanagan were adopted:

On page 10, line 19 strike all of sections 14 and 15.

On page 10, line 23 after "Sec. 16." strike "Section 13 of this" and insert "This"

On motion of Mr. Bauer, the committee amendment to the title was adopted.

On motion of Mr. Bauer, the following amendment to the title was adopted:

On page 1, line 3 of the title strike the remainder of the title and insert "creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; making an appropriation; and providing an effective date."

House Bill No. 1345 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1345 was placed on final passage.

Representatives Bauer and Hendricks spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Whiteside.

Mr. Whiteside: "Representative Bauer, on page 10, line 14, there's a term 'societal skills.' This is a new term to me. Would you define that, please?"

Mr. Bauer: "Rather than a definition of societal skills in the statutes, it's generally agreed that societal skills falls under some of these categories—ability to read and comprehend newspapers; ability to make change and balance bank accounts; ability to follow directions on forms, job and loan applications; ability to distinguish pricing differences in the market place; knowing how to write business and formal letters; ability to use and understand the telephone directory; and knowledge of the democratic voting process, with a small 'd.' Was that what you had in mind?"

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1345, and the bill passed the House by the following vote: Yeas, 87; nays, 5; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wilson, Zimmerman.

Voting nay: Representatives Dunlap, Hayner, Leckenby, Schumaker, Whiteside.
Not voting: Representatives Ceccarelli, Curtis, Perry, Sawyer, Wojahn.

Engrossed House Bill No. 1345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 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.

The bill was read the second time and passed to Committee on Rules for third reading.

MOTIONS

On motion of Mr. Thompson, the House advanced to the eighth order of business.

On motion of Mr. Bender, SUBSTITUTE SENATE BILL NO. 3003 was rereferred from Committee on Ecology to Committee on State Government.

On motion of Mr. Bender, ENGROSSED SENATE BILL NO. 3123 was rereferred from Committee on Social and Health Services to Committee on Judiciary.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Tuesday, February 10, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

THIRTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, February 10, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives McCormick, Perry, Sawyer and Wojahn, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kelli Swanson and Glen Thornton. Prayer was offered by Father James H. Blundell of St. John's Episcopal Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

February 9, 1976

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 3001,
ENGROSSED SENATE BILL NO. 3129,
SENATE BILL NO. 3247,
SUBSTITUTE SENATE BILL NO. 3271,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

February 9, 1976

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 129,
SENATE CONCURRENT RESOLUTION NO. 130,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

SUBSTITUTE SENATE BILL NO. 3001, by Committee on Local Government (Originally sponsored by Senator Odegaard):

Adding retired members to the firemen's relief and pension boards.

To Committee on Local Government

ENGROSSED 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.

To Committee on Transportation and Utilities

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.

To Committee on Local Government

SUBSTITUTE SENATE BILL NO. 3271, by Committee on Commerce (Originally sponsored by Senators Lewis (Harry) and Rasmussen):

Establishing the business coordination act.

To Committee on Commerce

SENATE CONCURRENT RESOLUTION NO. 129, by Senators Bailey, Walgren and Lewis (Harry):

Suspension of rules for Substitute Senate Bill No. 3271.

To Committee on Rules

SENATE CONCURRENT RESOLUTION NO. 130, by Senators Bailey, Walgren and Lewis (Harry):

Suspension of rules for Senate Bill No. 3247.

To Committee on Rules

REPORTS OF STANDING COMMITTEES

February 6, 1976

HOUSE BILL NO. 1316, Prime Sponsor: Representative Fortson, authorizing state funding of senior citizens' nutrition program. Reported by Committee on Ways and Means.

MAJORITY recommendation: The second substitute bill be substituted therefor and that the second substitute bill do pass. Signed by Representatives Bagnariol, Chairman; Shinpoch, Chairman - Appropriations; Randall, Chairman - Revenue; Bauer, Bausch, Blair, Boldt, Charette, Ehlers, Erickson, Gaspard, Kilbury, Kuehnle, May, McKibbin, Moon, North, Pardini, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle, Warnke, Williams.

To Committee on Rules for second reading.

February 9, 1976

HOUSE JOINT RESOLUTION NO. 76, Prime Sponsor: Representative Thompson, amending the Constitution to allow all moneys in common school construction fund to be used for retiring bonds authorized for financing construction of common school facilities or, if excess, for current use of the common schools. Reported by Committee on Education.

MAJORITY recommendation: Do pass. Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Bender, Boldt, Brown, Dunlap, Ehlers, Fortson, Gaspard, Hayner, Hendricks, Hurley (George), Valle, Warnke, Whiteside.

To Committee on Rules for second reading.

February 9, 1976

REENGROSSED SENATE BILL NO. 3038, Prime Sponsor: Senator von Reichbauer, supplementing loitering statute as formerly applicable to public and private schools. Reported by Committee on Education.

MAJORITY recommendation: Do pass 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) It shall be unlawful for any person to wilfully disobey the order of the chief administrative officer of a public school district or a private school which conducts any portion of a preschool through secondary program, 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 or the private school, 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 the private school, or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district or the private school."

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."

Signed by Representatives Bauer, Chairman; Barnes, Dunlap, Ehlers, Fortson, Hayner, Hendricks, Hurley (George), Valle, Warnke, Whiteside.

To Committee on Rules for second reading.

February 9, 1976

SENATE JOINT RESOLUTION NO. 137, Prime Sponsor: Senator Donohue, allowing excess levies for school district purposes to be for two year period. Reported by Committee on Education.

MAJORITY recommendation: Do pass. Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Brown, Dunlap, Ehlers, Hayner, Hendricks, Warnke, Whiteside.

To Committee on Rules for second reading.

SECOND READING

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

ENGROSSED SENATE BILL NO. 2994, by Select Committee on Education, Subcommittee on Resource Utilization (Endorsed by Senators Woody, Lewis R.H., Peterson, Knoblauch, Henry and Bluechel):

Permitting association formed by schools under Interlocal Cooperation Act for purchases of school supplies and equipment to mortgage property.

Committee on Education recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-sixth Day, 2nd ex. sess., February 9, 1976.)

On motion of Mr. Bauer, the committee amendments were adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 2994 as amended by the House was placed on final passage.

Mr. Bauer spoke in favor of passage of the bill, and Representatives Kuehnle and Leckenby spoke against it.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Bond.

Mr. Bond: "I wonder if you have had a chance to examine this to discover if all of these estimated savings are to come from the supposed ownership of a warehouse or if there are other aspects involved here that would generate these savings?"

Mr. Bauer: "Well, as it was explained to me by the Senate committee members, the savings would come from the savings in terms of the interest and in terms of the property tax savings, since they are exempt from the property tax. In this one particular instance, annual savings on one particular hypothetical situation on a \$97,000 building, a savings for efficiency of \$25,000 and property tax revenue for a total savings up from \$97,000 to \$121,000. The savings is substantial."

Mr. Bond: "Do you know if they took into account the other aspects of real estate investment when owned by private individuals, such as taxes that are paid on it and the depreciation that is allowed and other things of that type?"

Mr. Bauer: "I really can't speak to that. I would have to refer you to the Senate and the sponsors of the bill, some of those people being business people themselves. It was sponsored by Senators Woody and Bob Lewis, Peterson, Knoblauch, Henry and Bluechel, and some of those people are business area type people and have the interests of low costs and cost savings in mind for school districts."

Mr. Bond spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 2994 as amended by the House, and the bill passed the House by the following vote: Yeas, 62; nays, 24; not voting, 11.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Erickson, Fortson, Freeman, Gaines, Gaspard, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Lee, Lux, Martinis, Matthews, Maxie, Moon, Moreau, Nelson, North, O'Brien, Osterman, Pardini, Paris, Parker, Randall, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Zimmerman.

Voting nay: Representatives Amen, Berentson, Bond, Eikenberry, Eng, Fischer, Flanagan, Gallagher, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueling, Kuehnle, Leckenby, May, Newhouse, Patterson, Peterson, Polk, Schumaker, Wilson.

Not voting: Representatives Curtis, Hanna, Kalich, Lysen, McCormick, McKibbin, Perry, Sawyer, Seeberger, Tilly, Wojahn.

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.

ENGROSSED SENATE BILL NO. 3009, by Select Committee on Education, Subcommittee on Resource Utilization (Endorsed by Senators Woody, Lewis R.H., Henry, Knoblauch, Guess and Bluechel):

Implementing law relating to contract bidding procedure for school districts.

The bill was read the second time.

Committee on Education recommendation: Majority, do pass as amended. (For amendment, see Journal, Thirtieth Day, 2nd ex. sess., February 3, 1976.)

On motion of Mr. Bauer, the committee amendment was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3009 as amended by the House was placed on final passage.

Representatives Bauer and Haley spoke in favor of the bill, and Mr. Tilly spoke against it.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Amen.

Mr. Amen: "I'm also concerned about this \$7500 bid by telephone. I see in section (c) that they have to be in writing within seven days. What if the bid is made by telephone, does the school then have to wait for seven days before they can accept it?"

Mr. Bauer: "The seven days is for confirmation. I would assume that there would be no transaction or agreement until the seven days confirmation was received."

Mr. Amen: "Why do you have it then by telephone if they still have to wait for that long a period of time? Why do we go through this procedure?"

Mr. Bauer: "According to what it says here, '...any bidder not making such written confirmation shall be subject to removal from the qualified bidder list at the discretion of the board.' So the board has the option if the bid isn't in or confirmed in writing in that seven-day period."

Mr. Amen: "I can see that, but it seems to me to go to telephone bidding would have the one purpose to hurry up the procedure and this still has to wait seven days. Why go to this telephone bidding, at least when it's \$7500? It seems to me that's pretty high for that."

Mr. Bauer: "I would defer to an attorney on that."

Mr. Charette: "I think one of the philosophies behind this bill is that the local school board, and particularly the smaller school boards, are as visible to the public as anyone is. There are a number of items that they might want to purchase on an emergency basis, so what this bill says is that in order to solicit telephone bids they first establish a list of suppliers that are willing to bid, and then if they need a particular item they cannot purchase it unless they have called three people on that list and had a bid confirmed by telephone. After they have received three bids then they can purchase. That could be done within a period of one or two hours. The section of the bill that you are referring to would require any person who had made a bid to submit that bid in writing within seven days and if they do not confirm their telephone bid within seven days, then they are subject to being removed from the bid list by the school board."

Representatives Zimmerman and Pardini spoke in favor of the bill, and Representatives Polk, Haley and Tilly spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3009 as amended by the House, and the bill passed the House by the following vote: Yeas, 78; nays, 9; not voting, 10.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Haley, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, Moon, Moreau, Nelson, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Amen, Blair, Greengo, Hansen, Hansey, Polk, Schumaker, Tilly, Williams.

Not voting: Representatives Curtis, Hanna, Hurley G. S., Lysen, McCormick, McKibbin, Newhouse, Perry, Sawyer, Wojahn.

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.

SENATE BILL NO. 3026, by Select Committee on Education (Endorsed by Senators Gould, Stortini, Odegaard, Ridder, Jones, Donohue, Newschwander and Wanamaker):

Learning objectives.

The bill was read the second time.

Representative Fortson moved adoption of the following amendment by Representatives Fortson, Barnes and Gaspard:

On page 1, line 12 after "through" and before "in" strike "six" and insert "twelve"

Representatives Fortson and Hayner spoke in favor of the amendment, and it was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3026 as amended by the House was placed on final passage.

Mr. Bauer spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Douthwaite.

Mr. Douthwaite: "I've been comparing this bill with House Bill No. 1345, which we spent hours on yesterday. It requires that students in grades 4, 8 and 11 be tested annually and this one, on lines 24 and 25, provides that these learning objectives which we have now amended to read from grades K through 12, will be measurable and actual student attainment will be evaluated at least annually. Does that mean that every grade from K through 12 must be tested annually, every student must be tested to see that these objectives are attained?"

Mr. Bauer: "As I would read it, the district, after adopting learning objectives, would match those against the outcome as demonstrated by the tests to determine whether those learning objectives are real or not; whether they are the appropriate learning objectives and constantly update in terms of evaluation of your objectives. It is with your objectives that you start your learning process, identify where you want to go and then after you have applied your strategy process and have evaluated the outcome, you now determine whether or not you've met your objectives. It is here in the bill that we are implying that the objectives need evaluation and constant updating and not necessarily the evaluation device."

Mr. Douthwaite: "Do you think this is going to be an extra cost in excess of that which we considered yesterday with House Bill No. 1345?"

Mr. Bauer: "No, I don't think so. I think that stating learning objectives, setting out learning objectives, is an integral part of the whole education process. It comes before you do anything else and it's a teacher function—an administrative teacher function and a district function to determine, and also a community function, hopefully. This bill implies that it's a community function, that you identify what you are going to do with the money in the school; what your objectives are for those children."

Mr. Ehlers spoke in favor of passage of the bill, and Representatives Douthwaite, Peterson and Leckenby spoke against it.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Berentson.

Mr. Berentson: "I notice on line 27 it states the State Board of Education shall examine the program in each school district in the state for reasons of program approval. My understanding of the capabilities of the State Board of Education would leave me to wonder how they would accomplish this, in your opinion? How would they actually enforce this?"

Mr. Bauer: "The State Board of Education has a constant ongoing process of evaluation for purposes of distribution of funds. That's a normal process and it wouldn't change any from that."

Mr. Berentson: "I'm just wondering about actual personnel to actually go into the school districts and accomplish this. This is stepping aside from the Superintendent of Public Instruction and how, in your opinion, would they accomplish this? I don't think in your answer that they have the capability of actually looking at the program and seeing that it is being abided by."

Mr. Bauer: "It's done by a required series of reports like all of the other approval process."

Mr. Berentson: "You are saying then that this would be another report, probably required by the school district?"

Mr. Bauer: "Yes, and I don't think that's such a big task. As it has been said, the school districts have already achieved that level of function; they already to have their objectives outlined; it's just a matter of making that known to the State Board."

Mr. Laughlin spoke in favor of passage of the bill, and Mr. Berentson spoke against it.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Patterson.

Mr. Patterson: "I've been trying to listen very carefully to the discussion on this bill and when you say that it isn't going to cost anything, I'd like to go back and have somebody identify who is going to pay the fiscal impact that's indicated in conjunction with this bill of over half a million dollars over a six-year period. I want to know whose budget that goes into? I think we ought to know so that before we pass this kind of legislation we've got to expect somebody to be putting something into a budget request. Can you respond to my concern on the fiscal impact note that accompanies this legislation? Whose budget is going to carry this and how do you get it and how do you qualify for it?"

Mr. Bauer: "It's \$375,000 in the first year, and it's been itemized here to include that the Superintendent of Public Instruction's office provide the leadership. It outlines the various expenditures and it would be my assumption that it's going to be out of the Superintendent of Public Instruction's funds."

Mr. Patterson: "There's no reference in the bill to the Superintendent of Public Instruction doing anything in conjunction with this legislation, and I'm wondering where—if we're going to put the money in there, maybe we'd better make a reference to that and identify this money in the bill itself."

Mr. Bauer: "No. Let me read to you a paragraph from the fiscal note: 'In order to provide leadership and technical assistance by the office of the SPI in the respect of educational service districts, it will be necessary to obtain additional resources. The program activity will be aimed at the training of local district personnel to facilitate development, implementation and assessment of objectives. The nature of the costs reflected in this fiscal note are one-time start-up costs. The state office position should be continued so that evaluation in related district programs can occur and objectives be constantly updated. The impact on the local districts to implement and maintain the programs is not reflective, but certainly exists.' That really doesn't answer your question, Representative Patterson, but I think I did earlier in that there will be some moneys available for those school districts that need in-service training and assistance here, but I think that if an assessment were to be made now, about 90% of the districts and probably 95% of the kids within those districts—95% of the kids of the state—are within the school districts that have already set out learning objectives. I know small school districts with 200 or 300 students in combined K through 12 that have done this. They have set out learning objectives and I think the concept itself is good. The idea that teachers within

the staff, the total staff, sit down and outline the direction in which they are going and the kind of programs they are going to offer boys and girls, so I don't really know why the big hangup on a few dollars here if we're going to assure that all of the staffs of those districts in the state of Washington have adequately prepared the objectives for which they are doing their teaching, identifying what outcomes they wish to strive for. I personally think that if there are any districts that haven't done it, it's a good bill if it impacts them."

MOTION

Mr. Amen moved that the rules be suspended, and Senate Bill No. 3026 be returned to second reading for the purpose of amendment.

Mr. Amen spoke in favor of the motion, and Mr. Thompson spoke against it.

The motion was lost.

Representatives Hendricks and Fortson spoke in favor of the bill, and Ms. Becker spoke against it.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Amen.

Mr. Amen: "For the record, could you tell us what this annual evaluation is?"

Mr. Bauer: "It's implied here that the evaluation should be formal or informal or whatever. The teacher makes an evaluation each year or the personnel in that building makes an evaluation of their own objectives each year to see if they need to update them or modify them. In my case, I look at my objectives for half an hour and indicate to myself that last year they worked pretty well; we achieved our objectives and that's it. That's the extent of it."

Mr. Bender demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3026 as amended by the House, and the bill passed the House by the following vote: Yeas, 66; nays, 24; not voting, 7.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Clemente, Cochran, Conner, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, Moon, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Polk, Seeburger, Sherman, Shipoch, Sommers, Thompson, Tilly, Valle, Warnke, Wilson.

Voting nay: Representatives Amen, Becker, Berentson, Chandler, Charnley, Deccio, Douthwaite, Eng, Flanagan, Hansen, Hansey, Leckenby, May, Moreau, Nelson, Patterson, Peterson, Randall, Schumaker, Smith E. P., Smith R., Whiteside, Williams, Zimmerman.

Not voting: Representatives Curtis, Hurley G. S., McCormick, McKibbin, Perry, Sawyer, Wojahn.

Senate Bill No. 3026 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3033 was placed on final passage.

Mr. Knowles spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3033, and the bill passed the House by the following vote: Yeas, 89; nays, 0; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, Moon, Moreau, Nelson,

Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Not voting: Representatives Curtis, Hurley G. S., McCormick, McKibbin, Parker, Perry, Sawyer, Wojahn.

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.

SUBSTITUTE SENATE BILL NO. 3233, by Select Committee on Medical Malpractice (Originally sponsored by Senator Woody):

Providing for liability insurance for the University of Washington against certain claims.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 3233 was placed on final passage.

Representatives Knowles and Moon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 3233, and the bill passed the House by the following vote: Yeas, 91; nays, 1; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representative Kilbury.

Not voting: Representatives Boldt, McCormick, Perry, Sawyer, Wojahn.

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.

HOUSE BILL NO. 1272, by Representatives Sherman, Charnley, Chandler, Barnes and Lee:

Exempting minibus car pools from commercial transportation regulations.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and House Bill No. 1272 was placed on final passage.

Ms. Sherman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1272, and the bill passed the House by the following vote: Yeas, 92; nays, 1; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representative Gallagher.

Not voting: Representatives McCormick, Perry, Sawyer, Wojahn.

House Bill No. 1272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1524, by Representatives Sommers, Nelson and Hurley (Margaret) – by State Treasurer request:

Pertaining to the veterans' compensation fund.

The bill was read the second time.

Committee on State Government recommendation: Majority, do pass as amended. (For amendment, see Journal, Twenty-sixth Day, 2nd ex. sess., January 30, 1976.)

On motion of Ms. Sommers, the committee amendment was adopted.

House Bill No. 1524 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1524 was placed on final passage.

Ms. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1524, and the bill passed the House by the following vote: Yeas, 87; nays, 6; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Barnes, Charette, Conner, Fortson, King, North.

Not voting: Representatives McCormick, Perry, Sawyer, Wojahn.

Engrossed House Bill No. 1524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1496, by Representatives Hansen and Patterson:

Making appropriations to the highway commission and toll bridge authority.

The bill was read the second time.

Committee on Transportation and Utilities recommendation: Majority, do pass as amended. (For amendment, see Journal, Twenty-fourth Day, 2nd ex. sess., January 28, 1976.)

On motion of Mr. Hansen, the committee amendment was adopted.

House Bill No. 1496 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1496 was placed on final passage.

Mr. Hansen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1496, and the bill passed the House by the following vote: Yeas, 91; nays, 2; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Barnes, Conner.

Not voting: Representatives McCormick, Perry, Sawyer, Wojahn.

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.

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.

The bill was read the second time.

Committee on Education recommendation: Majority, do pass as amended. (For amendment, see Journal, Twenty-seventh Day, 2nd ex. sess., January 31, 1976.)

Mr. Bauer moved adoption of the committee amendment.

On motion of Mr. Bauer, the following amendment to the committee amendment was adopted:

On page 1, line 4 of the committee amendment after "law," insert "state board of education rules and regulations,"

The committee amendment as amended was adopted.

Mr. Pardini moved adoption of the following amendment by Representatives Pardini and Bauer:

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

"Section 1. Section 28A.04.132, section 2, chapter 268, Laws of 1971 ex. sess. and RCW 28A.04.132 are each amended to read as follows:

(1) The state board of education shall adopt and distribute to all school districts lawful and reasonable rules and regulations prescribing the substantive and procedural due process guarantees of pupils in the common schools.

(2) In connection with discipline and disciplinary procedures, the student shall be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his version. Notice and such opportunity shall precede the student's removal from school, since the hearing may almost immediately follow the misconduct, but if prior notice and hearing are not feasible, as where the student's presence endangers persons or property or threatens disruption of the academic process, thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable.

Sec. 2. Section 28A.58.101, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 254, Laws of 1975 1st ex. sess. and RCW 28A.58.101 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules and regulations regarding pupil conduct, discipline, and rights. Such rules and regulations shall not be inconsistent with law or the rules and regulations of the superintendent of public instruction or the state board of education and shall include such substantive and procedural due process guarantees as prescribed by the state board of education under RCW 28A.04.132. Commencing with the 1976-77 school year, when such rules and regulations are made available to each pupil, teacher and parent, they shall be accompanied by a detailed description of rights, responsibilities and ((authorities)) authority of teachers with respect to ((the discipline of pupils as prescribed by state and local law, rule and regulation)) pupils as prescribed by state statutory law, superintendent and state board of education rules and regulations, and local school district rules and regulations.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.04.132.

NEW SECTION. Sec. 3. As used in this 1976 amendatory act, unless the context thereof shall clearly indicate to the contrary, the terms:

(1) 'Expulsion' means the denial of the right of school attendance for an indefinite time period.

(2) 'Suspension' means denial of the right of school attendance from any single class or any full schedule of classes for a stated period of time in excess of ten days: PROVIDED, That (a) no pupil shall be suspended from an elementary school for more than ten consecutive school days and (b) no pupil shall be suspended from a secondary school for more than ninety consecutive school days.

(3) 'Discipline' means all forms of correction other than expulsion and suspension. It shall include, but not be limited to, the right of school authorities designated by the district's board of directors to remove pupils from the school premises for a period of time not to exceed ten consecutive school days. No form of discipline shall be enforced in such a manner as to prevent the pupil from accomplishing specific academic grade, grade level or graduation requirements."

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Tilly.

Mr. Tilly: "Where are the parents involved in this? I think it's good that the students be given oral and written notice, but what about the parents? Would you accept an amendment that they also receive a copy of the notice?"

Mr. Pardini: "I would suggest, Representative Tilly, at this point in time that we do not amend this bill any further. I have tried to work it out with Mr. Bauer and the Education Committee to make sure that it is technically correct. What we were really trying to get to in this amendment was the right of the principal to act immediately when something happens. I would assume that it would be normal practice in the school districts, and I can only assume this, that when that student is suspended—you know, he may leave for school the next day and tell his folks he's going to school and hasn't been suspended, but eventually the administrators are going to call home and ask the parents if they know the child has been suspended. There's nothing mandatory in doing it in here and I would hope that we would not upset this amendment at this particular point and leave it to the judgment of that principal and that school to make sure that the parents are notified."

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Nelson.

Mr. Nelson: "In section 3, I notice that we have now defined 'discipline' as meaning that it is all forms of correction other than expulsion or suspension. I can remember when I was in school we had a certain activity that the principal normally performed where your kiester got warm after visiting him and I find that this might circumvent or at least replace some of the rules and regulations that have already been promulgated by the State School Board, and I'm wondering if this activity can now be done locally under that particular definition?"

Mr. Pardini: "Section 3 is a pick-up of the Washington Administrative Code as it presently exists and is now being placed into the statutes. It is no more nor less than before, but it is now being placed in the statutes rather than buried in the Administrative Code."

Mr. Nelson: "Would a teacher or principal be able to administer disciplinary action with a paddle?"

Mr. Pardini: "I think that a recent court decision, and this would have to be the basis on which we would have to rely—there was a recent court decision which said that physical discipline can be inflicted except upon the head and with the requirement that there be a witness in attendance."

Mr. Tilly moved adoption of the following amendment to the Pardini/Bauer amendment by Representatives Tilly and Dunlap:

In subsection (2) after "student" insert "and parent or guardian"

Mr. Tilly spoke in favor of the amendment to the amendment, and Mr. Douthwaite spoke against it.

MOTION

On motion of Mr. Tilly, further consideration of House Bill No. 1314 was deferred, and the bill was ordered placed on the second reading calendar following House Bill No. 1366.

THIRD READING

ENGROSSED HOUSE BILL NO. 1386, by Representatives Randall and Gilleland (by Department of Revenue request):

Providing for annual property revaluation by counties.

The Speaker Pro Tem stated the question before the House to be reconsideration of final passage of the bill.

MOTION

On motion of Mr. Randall, the rules were suspended, and Engrossed House Bill No. 1386 was returned to second reading.

Engrossed House Bill No. 1386 was read the second time.

On motion of Mr. Pardini, the following amendment by Representatives Pardini and Randall was adopted:

On page 3, line 33 after "more than" strike "ten" and insert "seven"

Mr. Freeman moved adoption of the following amendment:

On page 3, line 33 beginning with "may levy" strike all material down to and including "value" on line 34 and insert "shall not make any levy"

Representatives Freeman and Hurley (George) spoke in favor of the amendment, and Mr. Randall spoke against it.

MOTION

On motion of Mr. Thompson, further action on Engrossed House Bill No. 1386 was deferred, and the bill was ordered held for tomorrow's second reading calendar.

ENGROSSED HOUSE BILL NO. 1119, by Representatives Parker and Adams:

Coordinating and surveying the health care delivery system.

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

Representatives Parker, Haley and Zimmerman spoke in favor of passage of the bill, and Mr. Deccio spoke against it.

Mr. Parker spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1119, and the bill passed the House by the following vote: Yeas, 68; nays, 25; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Haley, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Martinis, Maxie, May, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Parker, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Zimmerman.

Voting nay: Representatives Amen, Berentson, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Eng, Flanagan, Greengo, Hansy, Hayner, Kuehne, Lee, Lysen, Matthews, Newhouse, Pardini, Paris, Patterson, Polk, Schumaker, Tilly, Whiteside.

Not voting: Representatives McCormick, Perry, Sawyer, Wojahn.

Engrossed House Bill No. 1119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 10, 1976

ENGROSSED SENATE BILL NO. 3047, Prime Sponsor: Senator Ridder, clarifying intent of recent change in industrial insurance law. Reported by Committee on Labor.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9 after "any" strike "((such)) otherwise eligible" and insert "otherwise eligible"

Signed by Representatives King, Chairman; Clemente, Cochrane, Fischer, Freeman, Gilleland, Haley, Matthews, Parker.

To Committee on Rules for second reading.

February 10, 1976

ENGROSSED SENATE BILL NO. 3061, Prime Sponsor: Senator North, allowing parties to public collective bargaining to modify negotiations and mediation periods by mutual consent. Reported by Committee on Labor.

MAJORITY recommendation: Do pass. Signed by Representatives King, Chairman; Clemente, Cochrane, Fischer, Freeman, Gilleland, Haley, Matthews, Parker.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Thompson, SUBSTITUTE SENATE BILL NO. 3271 was rereferred from Committee on Commerce to Committee on Rules.

On motion of Mr. Bender, HOUSE BILL NO. 1435 was rereferred from Committee on State Government to Committee on Ways and Means - Appropriations.

On motion of Mr. Bender, HOUSE BILL NO. 1661 was rereferred from Committee on Social and Health Services to Committee on Ways and Means - Appropriations.

RESOLUTIONS

HOUSE RESOLUTION NO. 76-68, by Representatives Moon and Clemente:

WHEREAS, It has been customary for the State House of Representatives to honor residents of this state who have achieved extraordinary success in world affairs, athletics and other endeavors; and

WHEREAS, Helen Thayer of Snohomish, Washington has achieved extraordinary success in the world of athletics by winning golf and tennis titles throughout the world, by qualifying for the Olympics in the discus event, and by now representing the United States in the downhill luge event at the 1976 Winter Olympics, and

WHEREAS, The luge event is one of the most daring and dangerous winter sports events, and

WHEREAS, Helen Thayer is the finest woman luge competitor in the United States;

BE IT RESOLVED, That Helen Thayer be commended for the extraordinary success which she has achieved and for the great honor and attention which she has brought to the state of Washington.

BE IT FURTHER RESOLVED, That our heartfelt best wishes for success and victory go out to Helen Thayer, this day, as she represents the United States in the Winter Olympics as a distinguished and honored citizen of the state of Washington.

AND BE IT FURTHER RESOLVED, That a copy of this resolution be engraved and transmitted to Helen Thayer.

Mr. Moon moved adoption of the resolution.

Mr. Eikenberry moved adoption of the following amendment to the resolution:

On page 1 add a new paragraph as follows:

"BE IT FINALLY RESOLVED, That the Chief Clerk of the House of Representatives shall, and is hereby directed to notify the sponsors of this resolution of the cost of preparing the original resolution in sufficient quantity for distribution among the members of the House, and the cost of preparing and distributing the final form of the resolution as it finally passes, and the sponsors shall pay such amount to the Treasurer of the State of Washington."

Mr. Eikenberry spoke in favor of the amendment, and Mr. Newhouse spoke against it.

The amendment was not adopted.

Mr. Moon spoke in favor of adoption of the resolution.

Mr. Blair demanded an electric roll call and the demand was not sustained.

The resolution was adopted.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Wednesday, February 11, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

THIRTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, February 11, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Pardini, Perry, Sawyer and Wojahn, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Debby Kurbitz and Grant Smith. Prayer was offered by Father James H. Blundell of St. John's Episcopal Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

February 10, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 2375,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

February 10, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1299,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

ENGROSSED SENATE BILL NO. 2375, by Senators Guess, Washington and Beck:

Exempting solar heating equipment in homes from sales and use taxes.

To Committee on Transportation and Utilities

REPORTS OF STANDING COMMITTEES

February 9, 1976

HOUSE BILL NO. 508, Prime Sponsor: Representative Parker, requiring health insurance coverage for certain rehabilitative services. Reported by Committee on Financial Institutions.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fischer, Vice Chairman; Bagnariol, Blair, Lux, Lysen, McCormick, Parker.

To Committee on Rules for second reading.

February 9, 1976

HOUSE BILL NO. 1444, Prime Sponsor: Representative Warnke, extending date monies payable for portion of retirement allowance shall be payable from interest earnings on pension reserve fund. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass with the following amendments:

On line 9 strike "shall" and insert "((shall)) may"

On line 10 strike "1985" and insert "1977"

Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Bagnariol, Bauer, Blair, Boldt, Ehlers, Flanagan, Freeman, Gaspard, Hansey, May, Matthews, Smith (Edward), Smith (Rick), Thompson, Valle, Warnke.

To Committee on Rules for second reading.

February 10, 1976

ENGROSSED SENATE BILL NO. 2060, Prime Sponsor: Senator Donohue, reconstituting purchasing and material control in state government. Reported by Committee on State Government.

MAJORITY recommendation: Do pass with the following amendments:

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 13, line 24 strike "1975" and insert "1976"

On page 13, line 28 strike "1975" and insert "1976"

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Hendricks, Hurley (Margaret), Leckenby, McKibbin, Polk.

To Committee on Rules for second reading.

February 10, 1976

ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, Prime Sponsor: Senator Washington, adding new provisions to laws relating to archaeological resources. Reported by Committee on State Government.

MAJORITY recommendation: Do pass with the following amendments:

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 national 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 shall consult with the public property owner prior to the issuance of a permit on such lands. 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."

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."

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Hendricks, Hurley (Margaret), Leckenby, McKibbin, Williams.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Pardini, Perry, Sawyer and Wojahn, who were excused.

REPORTS OF STANDING COMMITTEES

February 11, 1976

HOUSE FLOOR RESOLUTION NO. 75-67, by Representative Gallagher, full employment, petitioned. Reported by Committee on Labor.

MAJORITY recommendation: That the resolution be rereferred to Committee on Financial Institutions. Signed by Representatives King, Chairman; McKibbin, Vice Chairman; Clemente, Cochrane, Fischer, Haley.

Rereferred to Committee on Financial Institutions.

February 10, 1976

ENGROSSED SUBSTITUTE SENATE BILL NO. 2996, Prime Sponsor: Senator Knoblauch, removing election day as a state holiday. Reported by Committee on State Government.

MAJORITY recommendation: Do pass with the following amendments:

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"

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Hendricks, Hurley (Margaret), Leckenby, McKibbin, Williams.

To Committee on Rules for second reading.

February 10, 1976

SENATE BILL NO. 3000, Prime Sponsor: Senator Odegaard, authorizing counties to offer rewards for information about crimes against county property. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass. Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Subcommittee Chairman; Kalich, Subcommittee Chairman; Laughlin, Subcommittee Chairman; Cochrane, Eng, Lee, North, Paris, Shinpoch, Smith (Edward), Zimmerman.

To Committee on Rules for second reading.

February 10, 1976

SUBSTITUTE SENATE BILL NO. 3001, Prime Sponsor: Senator Odegaard, adding retired members to the firemen's relief and pension boards. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass. Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Subcommittee Chairman; Kalich, Subcommittee Chairman; Laughlin, Subcommittee Chairman; Cochrane, Lee, North, Paris, Shinpoch, Smith (Edward).

To Committee on Rules for second reading.

February 10, 1976

SUBSTITUTE SENATE BILL NO. 3007, Prime Sponsor: Senator Benitz, authorizing coverage of volunteer law enforcement officers under the industrial insurance laws. Reported by Committee on Labor.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 18 after "who" strike all the material through "who" on line 19.

On page 3, beginning on line 16 strike the remainder of the bill and insert:

"Sec. 2. 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 51.32.073 are each reenacted and amended to read as follows:

Each employer shall retain from the earnings of each workman that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: **PROVIDED**, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments from the supplemental pension fund prescribed in this title and for the amount of any increase payable under the provisions of RCW 51.32.075 as now or hereafter amended, and shall be no more than necessary to make such payments on a current basis.

Sec. 3. Section 2, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.075 are each amended to read as follows:

Effective July 1 of each year, the compensation or death benefits payable pursuant to the provisions of this chapter, for temporary total disability, permanent total disability or death arising out of injuries or occupational diseases shall be adjusted as follows:

(1) For those whose right to compensation was established on or after July 1, 1971, and before July 1, ~~((1975))~~ 1976, an initial adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the maximum amount of compensation payable for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the maximum amount of compensation payable in the fiscal year ending June 30, ~~((1975))~~ 1976. After the initial adjustment has been made, subsequent adjustments shall be made in the same manner as provided in RCW 51.32.075, provided that the base upon which such subsequent adjustments are made shall be the amount of compensation determined after the initial adjustment.

(2) For those whose right to compensation is established on or after July 1, 1975, or whose basis for adjustment is established by subsection (1) of this section, the adjustment shall be a percentage equal to the percentage (if any) by which the state-wide monthly wage as computed under the provisions of RCW 51.08.018 differs from the state-wide average monthly wage determined for the preceding fiscal year.

NEW SECTION. Sec. 4. 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. 5. 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, line 1 of the title, after "insurance;" strike the remainder of the title and insert "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 51.32.073; amending section 2, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.075; adding a new section to chapter 23, Laws of 1961 and to chapter 51.12 RCW; and declaring an emergency."

Signed by Representatives King, Chairman; McKibbin, Vice Chairman; Clemente, Cochrane, Fischer, Parker.

MINORITY recommendation: Do not pass. Signed by Representatives Freeman, Gilleland, Matthews.

To Committee on Rules for second reading.

February 10, 1976

SENATE BILL NO. 3247, Prime Sponsor: Senator Talley, 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 Representatives Haussler, Chairman; Hañna, Vice Chairman; Douthwaite, Subcommittee Chairman; Kalich, Subcommittee Chairman; Laughlin, Subcommittee Chairman; Cochrane, Lee, North, Paris, Smith (Edward), Zimmerman.

To Committee on Rules for second reading.

MESSAGE FROM THE SENATE

February 11, 1976

Mr. Speaker:

The President has signed:

SENATE BILL NO. 3033,
SUBSTITUTE SENATE BILL NO. 3233,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SENATE BILL NO. 3033,
SUBSTITUTE SENATE BILL NO. 3233.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1380, by Committee on Parks and Recreation (Originally sponsored by Representatives Randall, Douthwaite and Hurley, M.):

Requiring boat registration.

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

Representatives Randall, Hurley (Margaret), Lee and Douthwaite spoke in favor of passage of the bill, and Representatives Wilson, Martinis, Greengo and Freeman spoke against it.

Mr. Thompson demanded the previous question, and the demand was not sustained.

Representative Hurley (Margaret) spoke again in favor of the bill, and Representatives Eikenberry and Martinis spoke against it.

Mr. Bender demanded the previous question, and the demand was sustained.

Mr. Randall closed debate, speaking again in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1380, and the bill passed the House by the following vote: Yeas, 55; nays, 36; not voting, 6.

Voting yea: Representatives Adams, Amen, Barnes, Bender, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Curtis, Douthwaite, Eng, Erickson, Flanagan, Gaines, Gallagher, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McKibbin, Moon, Newhouse, North, O'Brien, Paris, Patterson, Peterson, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Whiteside, Williams, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Becker, Berentson, Bond, Conner, Deccio, Dunlap, Eikenberry, Fischer, Fortson, Freeman, Gaspard, Gilleland, Greengo, Haley, Hansey, Hendricks, Juelling, Kalich, King, Knowles, Kuehnle, Laughlin, Martinis, McCormick, Moreau, Nelson, Osterman, Parker, Polk, Schumaker, Tilly, Warnke, Wilson.

Not voting: Representatives Ehlers, Hayner, Pardini, Perry, Sawyer, Wojahn.

Substitute House Bill No. 1380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 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.

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

Representatives Charette, Berentson, Moon and North spoke in favor of passage of the bill, and Mr. Shinpoch spoke against it.

Mr. Charette spoke again in favor of the bill, and Mr. Shinpoch spoke again in opposition to it.

Representatives Newhouse and Matthews spoke in favor of the bill, and Mr. Laughlin spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1478, and the bill passed the House by the following vote: Yeas, 67; nays, 25; not voting, 5.

Voting yea: Representatives Amén, Bausch, Becker, Bender, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Conner, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, King, Kuehnle, Leckenby, Lee, Matthews, McCormick, Moon, Moreau, Nelson, Newhouse, North, Osterman, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Seeberger, Sherman, Smith E. P., Tilly, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Barnes, Bauer, Boldt, Cochrane, Douthwaite, Hanna, Hawkins, Kilbury, Knowles, Laughlin, Lux, Lysen, Maxie, May, McKibbin, O'Brien, Randall, Shinpoch, Smith R., Sommers, Thompson, Valle, Williams.

Not voting: Representatives Martinis, Pardini, Perry, Sawyer, Wojahn.

House Bill No. 1478, having received the 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 Mr. Hansey, House Bill No. 1478 was ordered transmitted immediately to the Senate.

On motion of Mr. Thompson, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1386, by Representatives Randall and Gilleland (by Department of Revenue request):

Providing for annual property revaluation by counties.

The bill was read the second time. (For previous action, see Journals for February 6th and 10th.)

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Freeman to page 3, line 33.

Representatives Freeman and Eikenberry spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Eikenberry yielded to question by Mr. Leckenby.

Mr. Leckenby: "You said that this bill was designed to increase taxes. Wouldn't it be more accurate to say that this was an increase in taxes in order to develop equity in the assessment of property taxes?"

Mr. Eikenberry: "I would disagree with stating it that way, Representative Leckenby, for this reason: In previous arguments I have agreed with the object of the bill of establishing equity in property valuation across the state. I distinguish that desirable objective, however, from what I regard as a disagreeable method of funding that objective. The method I proposed is to say, yes, it has a priority and therefore we are going to appropriate money out of

our existing revenue structure to pay for it rather than raise the level of taxes on citizens in order to accomplish this objective."

Mr. Randall spoke against adoption of the amendment.

Mr. Hansey demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Freeman on Engrossed House Bill No. 1386, and the amendment was not adopted by the following vote: Yeas, 31; nays, 56; not voting, 10.

Voting yea: Representatives Berentson, Deccio, Dunlap, Eikenberry, Eng, Flanagan, Fortson, Freeman, Gaines, Gilleland, Greengo, Hansen, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Juelling, King, Lysen, Martinis, McCormick, Moon, Moreau, Newhouse, North, Paris, Parker, Polk, Schumaker, Wilson.

Voting nay: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Erickson, Fischer, Gallagher, Gaspard, Haley, Hanna, Haussler, Hawkins, Jastad, Kilbury, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Maxie, May, McKibbin, O'Brien, Osterman, Patterson, Peterson, Randall, Seeburger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Zimmerman.

Not voting: Representatives Becker, Chandler, Kalich, Matthews, Nelson, Pardini, Perry, Sawyer, Smith R., Wojahn.

The Clerk read the following amendment by Representative Freeman:

On page 3, line 35 beginning with "PROVIDED" strike all material down to and including "1978" on page 4, line 10

With the consent of the House, Mr. Freeman withdrew the amendment.

Engrossed House Bill No. 1386 was ordered reengrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Reengrossed House Bill No. 1386 was placed on final passage.

Representatives Randall and Sommers spoke in favor of the bill, and Representatives Eikenberry, Schumaker, Freeman and Haussler spoke against it.

Mr. Randall spoke again in favor of passage of the bill, and Mr. Hurley (George) spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 1386, and the bill failed to pass the House by the following vote: Yeas, 36; nays, 57; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Blair, Bond, Brown, Ceccarelli, Charnley, Douthwaite, Ehlers, Erickson, Fischer, Haley, Hanna, Hawkins, Kilbury, Knowles, Kuehnle, Leckenby, Lux, Nelson, Newhouse, O'Brien, Peterson, Randall, Seeburger, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Zimmerman.

Voting nay: Representatives Bauer, Bausch, Becker, Bender, Berentson, Boldt, Chandler, Charette, Clemente, Cochrane, Conner, Curtis, Deccio, Dunlap, Eikenberry, Eng, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, King, Laughlin, Lee, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, Osterman, Paris, Parker, Patterson, Polk, Schumaker, Sherman, Smith R., Warnke, Wilson.

Not voting: Representatives Pardini, Perry, Sawyer, Wojahn.

Reengrossed House Bill No. 1386, having failed to receive the constitutional majority, was declared lost.

HOUSE BILL NO. 1343, by Representatives Thompson, Newhouse, Curtis, Blair, Schumaker, Clemente, Douthwaite and Erickson:

Setting legislators' salaries at \$7200 per year.

The bill was read the second time. (For previous action, see Journal, February 5, 1976.)

Mr. Paris moved adoption of the following amendment by Representatives Pardini and Paris:

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

"NEW SECTION. Sec. 2. During the time the schedule of salaries for members of the legislature, as provided in section 1 of this 1976 amendatory act, shall be in effect, subsistence and lodging as defined in RCW 44.04.080 for legislators shall be limited to a ninety-day period for legislative sessions during the first

year of the biennial life of the legislature and a sixty-day period for legislative sessions during the second year of the biennial life of the legislature."

Representatives Paris, Amen and Curtis spoke in favor of the amendment, and Representatives Moon, King and Sommers spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Mr. Zimmerman spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Paris yielded to question by Mr. Warnke.

Mr. Warnke: "I'm a little concerned about some of the language here and confused in understanding what you are trying to do, but particularly the part that says, 'a sixty-day period for legislative sessions during the second year of the biennial life of the legislature.' Let's suppose that we meet for sixty days, January, February and part of March, we use up our sixty days and go home. What if the Governor calls us back as he has done this time, in September for ten or twelve days? Do we then serve with *no per diem* of any kind?"

Mr. Paris: "That would be my opinion and perhaps that would be a fine thing to prevent the Governor from doing just that. I'm serious about that and I don't mean to be unkind. I just feel that this might have a deterrent factor and we need all the deterrent factors we can get."

Ms. Lee spoke in favor of the amendment, and Representatives Warnke and Bagnariol spoke against it.

Mr. Bender demanded the previous question, and a division was requested.

ROLL CALL

The Clerk called the roll on the demand for the previous question on the debate of the Pardini/Paris amendment, and the demand was sustained by the following vote: Yeas, 60; nays, 30; not voting, 7.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Haley, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McCormick, Moon, Moreau, North, O'Brien, Osterman, Parker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Hansey, Hendricks, Jueling, Kuehnle, Lee, Matthews, Nelson, Newhouse, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Hayner, McKibbin, Pardini, Perry, Randall, Sawyer, Wojahn.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Pardini and Paris.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Pardini and Paris to House Bill No. 1343, and the amendment was not adopted by the following vote: Yeas, 33; nays, 58; not voting, 6.

Voting yea: Representatives Amen, Barnes, Berentson, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueling, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, Moon, Moreau, North, O'Brien, Osterman, Parker, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Not voting: Representatives Blair, McKibbin, Pardini, Perry, Sawyer, Wojahn.

POINT OF PERSONAL PRIVILEGE

Mr. Kuehnle: "I'm a bit distressed at what has taken place here in the last several minutes. I commended Representative Thompson over the last several days on his forthright approach to this issue of salaries. He assured us that we were going to bring this thing out in

broad daylight; we were going to discuss it to the fullest extent to the degree that the members wanted to discuss it; we weren't going to try to throttle debate on the issue—"

The Speaker Pro Tem: "You are going too far."

On motion of Mr. Thompson, the following amendment by Representatives Thompson and Newhouse was adopted:

On page 1 after line 27 insert the following section:

"NEW SECTION. Sec. 2. There is hereby appropriated to the legislature the sum of two hundred and forty seven thousand, four hundred and seventy dollars from the state general fund for the purpose of implementing this 1976 amendatory act."

Mr. Kuehnle moved adoption of the following amendment by Representatives Kuehnle and Randall:

Strike everything after the enacting clause and insert the following:

"Section 1. 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 are each amended to read as follows:

The annual salaries of the following named state elected officials shall be: Governor, forty-two thousand one hundred fifty dollars; lieutenant governor, seventeen thousand eight hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, twenty-one thousand four hundred dollars; state treasurer, twenty-four thousand one hundred fifty dollars; state auditor, twenty-four thousand nine hundred fifty dollars; attorney general, thirty-one thousand five hundred dollars; superintendent of public instruction, thirty-one thousand five hundred dollars; commissioner of public lands, twenty-nine thousand two hundred fifty dollars; state insurance commissioner, twenty-four thousand fifty dollars (~~members of the legislature shall receive for their service three thousand eight hundred dollars per annum; and in addition, ten cents per mile for travel to and from legislative sessions~~).

Sec. 2. Section 1, chapter 173, Laws of 1941 as last amended by section 2, chapter 3, Laws of 1969 and RCW 44.04.080 are each amended to read as follows:

(1) Members of the legislature who are constitutionally eligible to receive the increase in compensation provided herein by virtue of having been appointed after the effective date of this 1976 amendatory act, or elected or reelected subsequent to the expiration of their current term of office, shall receive for their service nine thousand six hundred dollars per annum, effective January 10, 1977, and such members, including the president of the senate, shall be paid (not to exceed forty dollars per day in lieu of subsistence and lodging) for all expenses incurred during and while attending any legislative session, but such expenses shall not include any reimbursement for any loss of income during that legislative session. An itemized expense account shall be submitted to the chief clerk of the house of representatives or to the secretary of the senate, as the case may be, and such expense account shall be subject to audit by the state auditor, and shall be made available for public inspection.

(2) In addition to the compensation provided in subsection (1) of this section, the speaker of the house of representatives and the majority floor leader of the senate shall each receive additional compensation of three thousand six hundred dollars per annum for such duties.

(3) In addition to the compensation provided in subsection (1) of this section, the following officials of the legislature shall each receive additional compensation of two thousand four hundred dollars per annum for such duties: The majority floor leader of the house of representatives, the minority leader of the house, the minority leader of the senate, the speaker pro tempore of the house, the president pro tempore of the senate, each chairman of the majority and minority caucuses of the house and senate, each whip of the majority and minority parties of the house and senate, and each chairman of the standing committees of the house and senate: PROVIDED, That the number of such committees may not exceed the number of such in existence on the effective date of this 1976 amendatory act: PROVIDED FURTHER, That for the purposes of this section the term "majority" shall mean that political party which has the largest number of elected members to the legislature, "minority" shall mean that political party which has the second largest number of elected members to the legislature.

Sec. 3. Section 2, chapter 173, Laws of 1941 as amended by section 20, chapter 106, Laws of 1973 and RCW 44.04.090 are each amended to read as follows:

The state treasurer shall issue warrants for said reimbursement supported by affidavits that the reimbursement is claimed for expenses (~~of subsistence and lodging actually incurred without itemization and without receipts~~) incurred as a result of the legislative session and shall not include reimbursement for any loss of income during that legislative session. Such warrants shall be immediately paid from any funds appropriated for the purpose.

Sec. 4. Section 1, chapter 10, Laws of 1959 ex. sess. as last amended by section 2, chapter 157, Laws of 1974 ex. sess. and RCW 44.04.120 are each amended to read as follows:

Each member of the senate or house of representatives when serving on official legislative business during the interim between legislative sessions, or while serving on the legislative budget committee, or any other standing, permanent, or interim committee, commission, or council of the legislature shall be entitled to receive (~~in lieu of per diem or any other payment~~) for each day or major portion thereof in which he

is actually engaged in legislative business or business of the committee, commission, or council, notwithstanding any laws to the contrary, (~~forty dollars per day, plus mileage allowance at the rate provided for in RCW 43.03.060, as now or hereafter amended per mite~~) the actual cost of travel expenses when authorized by the house, committee, commission, or council of which he is a member and on the business of which he is engaged. An itemized expense account shall be submitted by the legislator to the chief clerk of the house of representatives or the secretary of the senate, as the case may be, which account is subject to audit by the state auditor and available for public inspection.

This section shall not apply to any official travel by legislators which is subject to the provisions of Article 2, section 23 of the state Constitution."

Mr. Paris moved adoption of the following amendment to the Kuehnle/Randall amendment:

On page 2, lines 3 and 4 strike "nine thousand six hundred" and insert "seven thousand two hundred"

Mr. Paris spoke in favor of the amendment to the amendment, and Mr. Kuehnle spoke against it.

The amendment to the amendment was not adopted.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Kuehnle and Randall.

Mr. Kuehnle spoke in favor of the amendment.

Mr. Thompson demanded an electric roll call and the demand was sustained.

Representatives Hendricks, Peterson and Kuehnle spoke in favor of adoption of the amendment, and Representatives Thompson, Berentson, Sommers, Clemente and Charette spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment to House Bill No. 1343 by Representatives Kuehnle and Randall, and the amendment was not adopted by the following vote: Yeas, 11; nays, 82; not voting, 4.

Voting yea: Representatives Bond, Dunlap, Gilleland, Haley, Hendricks, Kuehnle, Patterson, Peterson, Polk, Randall, Schumaker.

Voting nay: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Not voting: Representatives Pardini, Perry, Sawyer, Wojahn.

On motion of Mr. Thompson, the following amendment to the title was adopted:

On page 1, line 4 after "43.03.010" insert "; and making an appropriation"

House Bill No. 1343 was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 10, 1976

ENGROSSED SENATE BILL NO. 2660, Prime Sponsor: Senator North, permitting nature conservancies to acquire open space for public use. Reported by Committee on Ecology.

MAJORITY recommendation: Do pass with the following amendments:

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 under 26 U.S.C. section 501 (c) (of the Internal Revenue Code) as being tax exempt 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."

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"

Signed by Representatives Valle, Chairwoman; Becker, Vice Chairwoman; Bauer, Chandler, Charnley, Douthwaite, Hansen, Hawkins, Lux, Zimmerman.

To Committee on Rules for second reading.

February 11, 1976

ENGROSSED SENATE BILL NO. 2989, Prime Sponsor: Senator Beck, making changes in the laws relating to election schedules. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: Do pass 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 material down to and including "from" on line 31

Signed by Representatives Hawkins, Chairman; Fortson, Vice Chairwoman; Chandler, Erickson, Osterman, Sherman.

To Committee on Rules for second reading.

February 10, 1976

ENGROSSED SENATE BILL NO. 2990, Prime Sponsor: Senator Wanamaker, imposing a tax on coin operated gaming devices. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: Do pass. Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Bagnariol, Eikenberry, Hawkins, Hurley (George), Kilbury, Moon, Moreau, Nelson, Sommers.

To Committee on Rules for second reading.

February 11, 1976

ENGROSSED SENATE BILL NO. 3056, Prime Sponsor: Senator Lewis, R.H., waiving instructional requirements for previously qualified election officers. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: Do pass with the following amendment:

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 statewide 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.

Signed by Representatives Hawkins, Chairman; Fortson, Vice Chairwoman; Erickson, King, Osterman, Sherman.

To Committee on Rules for second reading.

February 11, 1976

SENATE BILL NO. 3067, Prime Sponsor: Senator Bottiger, making unlicensed drivers subject to laws the same as licensed drivers. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hayner, Maxie, Patterson, Sherman.

To Committee on Rules for second reading.

February 11, 1976

SENATE BILL NO. 3076, Prime Sponsor: Senator Van Hollebeke, increasing statutory attorney's fees. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hayner, Patterson, Sherman.

To Committee on Rules for second reading.

February 11, 1976

ENGROSSED SENATE BILL NO. 3081, Prime Sponsor: Senator Donohue, directing that agricultural uses be emphasized in granting permits. Reported by Committee on Agriculture.

MAJORITY recommendation: Do pass with the following amendments:

Beginning on page 1, strike everything after the enacting clause and insert the following:
"Section 1. Section 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. In addition, such notice shall be mailed to each member of the state legislature. Rules adopted hereunder shall be subject to review in accordance with the provisions of RCW 34.04.070 or 34.04.080.

Sec. 2. Section 7, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.070 are each amended to read as follows:

The department shall, during the month of January of each year beginning in 1977, report to (~~each regular session of~~) the legislature:

(1) On the experience of the department, including the progress made and any difficulties encountered, in formulating, adopting, and maintaining a state management program for water resources as provided in RCW 90.54.040(1), and

(2) Recommendations on legislation necessary to meet these objectives: PROVIDED, That the department shall submit to the next regular or special session, by the first day of said session, a report setting forth, in addition to the information hereinbefore provided, a detailed outline of the basics of the program developed by the department to carry out the direction of RCW 90.54.040(1).

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) Copies of all rules proposed for adoption by the department pursuant to or implementing RCW 90.54.040 and 90.54.050 as now or hereafter amended, shall be transmitted to the president of the senate and the speaker of the house of representatives. Notwithstanding the provisions of RCW 34.04.025, such proposed rule or rules shall not be filed with the code reviser or be subject to any other administrative proceeding until the adjournment sine die of the next regular or special session which begins after such proposed rule or rules have been transmitted as provided herein or approval of the rule or rules by the legislature, whichever comes first. If, prior to such adjournment sine die, the legislature rejects such rule or rules as being inconsistent with the intent of this chapter, then the proposed rule or rules shall be withdrawn by the department. Failure of the legislature to either reject or approve such proposed rules prior to adjournment sine die of such session shall constitute an approval by the legislature of such rule or rules.

On line 1 of the title after "Relating to" delete the remainder of the title and insert "water resources; amending section 5, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.050; amending section 7, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.070; and adding a new section to chapter 225, Laws of 1971 ex. sess. and to chapter 90.54 RCW."

Signed by Representatives Kilbury, Chairman; Boldt, Vice Chairman; Deccio, Erickson, Hansen, Hansey, Haussler, Laughlin, Schumaker, Tilly.

MINORITY recommendation: Do not pass. Signed by Representative Becker.

To Committee on Rules for second reading.

February 12, 1976

SENATE BILL NO. 3154, Prime Sponsor: Senator Clarke, 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 Committee on Judiciary.

MAJORITY recommendation: Do pass. Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hayner, Patterson, Sherman.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House advanced to the eighth order of business.

STANDING COMMITTEE APPOINTMENTS

The Speaker Pro Tem announced the following standing committee appointments:

Representative Lysen from Constitution and Elections to Committee on Labor;

Representative Osterman to Social and Health Services, Constitution and Elections and Higher Education Committees.

MOTIONS

On motion of Mr. Thompson, all floor resolutions pending before the House were referred to Committee on Rules.

On motion of Mr. Thompson, HOUSE BILL NO. 1624 was rereferred from Committee on Rules to Committee on Ways and Means - Appropriations.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Thursday, February 12, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

THIRTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, February 12, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Perry and Sawyer, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Laura Erwin and Craig Charnley. Prayer was offered by Dr. Henry S. Rahn of the First Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 50, by Representative Newhouse:

Suspend ESCR No. 125 for consideration of HB No. 1544.

MOTIONS

On motion of Mr. Thompson, the rules were suspended, and House Concurrent Resolution No. 50 was advanced to second reading and read the second time in full.

On motion of Mr. Thompson, further consideration of House Concurrent Resolution No. 50 was deferred, and the resolution was ordered placed at the bottom of today's second reading calendar.

HOUSE CONCURRENT RESOLUTION NO. 51, by Representative Valle:

Suspend ESCR No. 125 for consideration of HB No. 1612.

MOTIONS

On motion of Mr. Thompson, the rules were suspended, and House Concurrent Resolution No. 51 was advanced to second reading and read the second time in full.

On motion of Mr. Thompson, further consideration of the resolution was deferred, and it was ordered placed at the bottom of today's second reading calendar.

HOUSE CONCURRENT RESOLUTION NO. 52, by Representative Thompson:

Suspend ESCR No. 125 for consideration of HJR No. 5

MOTIONS

On motion of Mr. Thompson, the rules were suspended, and House Concurrent Resolution No. 52 was advanced to second reading and read the second time in full.

On motion of Mr. Thompson, further consideration of House Concurrent Resolution No. 52 was deferred and the resolution was ordered placed at the bottom of today's second reading calendar.

HOUSE CONCURRENT RESOLUTION NO. 53, by Representative Newhouse:

Suspend ESCR No. 125 for consideration of EHB No. 1497.

MOTIONS

On motion of Mr. Thompson, the rules were suspended and House Concurrent Resolution No. 53 was advanced to second reading and read the second time in full.

On motion of Mr. Thompson, further consideration of House Concurrent Resolution No. 53 was deferred and the resolution was ordered placed at the bottom of today's second reading calendar.

REPORTS OF STANDING COMMITTEES

February 9, 1976

HOUSE BILL NO. 1405, Prime Sponsor: Representative Warnke, making changes in the LEOFF retirement system. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Bagnariol, Bauer, Blair, Boldt, Charette, Ehlers, Freeman, Gaspard, Hansey, May, Matthews, Polk, Smith (Rick), Thompson, Valle, Warnke.

To Committee on Rules for second reading.

February 9, 1976

HOUSE BILL NO. 1407, Prime Sponsor: Representative Warnke, making changes in the public employees' retirement system. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Bagnariol, Blair, Ehlers, Flanagan, Freeman, Hansey, May, Matthews, Polk, Smith (Edward), Smith (Rick), Thompson, Valle, Warnke.

To Committee on Rules for second reading.

February 9, 1976

HOUSE BILL NO. 1575, Prime Sponsor: Representative Bagnariol, providing calculation base for supplemental under TIAA/CREFF. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Bagnariol, Bauer, Blair, Boldt, Ehlers, Freeman, Gaspard, Hansey, May, Matthews, Smith (Edward), Smith (Rick), Thompson, Valle, Warnke.

To Committee on Rules for second reading.

February 9, 1976

HOUSE BILL NO. 1605, Prime Sponsor: Representative Sommers, making changes in the teachers retirement system. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Bagnariol, Blair, Ehlers, Freeman, Hansey, May, Matthews, Smith (Edward), Smith (Rick), Thompson, Valle, Warnke.

To Committee on Rules for second reading.

February 11, 1976

ENGROSSED SENATE BILL NO. 2135, Prime Sponsor: Senator Sellar, establishing requirements and duties of a public utility district of the first class. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Barnes, Bender, Bond, Charnley, Gaines, Gilleland, Hansen, Hayner, Kalich, Laughlin, Leckenby, Lee, Lysen, McCormick, Patterson, Schumaker, Seeberger, Sherman, Wilson.

To Committee on Rules for second reading.

February 10, 1976

SECOND REENGROSSED SUBSTITUTE SENATE BILL NO. 2424, Prime Sponsor: Senator Walgren, coordinating public water supply system planning. Reported by Committee on Ecology.

MAJORITY recommendation: Do pass with the following amendments:

24 On page 3, line 22 after "service area" strike all material down to and including "service area" on line

On page 3, line 30 after "plans developed" strike "and required"

On page 4, line 25 after "(7)" strike all material down to and including "supply systems" on line 26 and insert:

"No agency, department, board or official of state government shall require the addition of fluoride to a public water supply system without first conducting a public hearing in the service area of the purveyor and receiving an affirmative approval of the governing body of the purveyor"

Beginning on page 4, line 33 strike all material down to and including "persons." on page 5, line 2.

Signed by Representatives Valle, Chairwoman; Becker, Vice Chairwoman; Bauer, Chandler, Charnley, Douthwaite, Hansen, Hawkins, Lux, Zimmerman.

To Committee on Rules for second reading.

February 10, 1976

ENGROSSED SENATE BILL NO. 3094, Prime Sponsor: Senator Wilson, establishing the Washington library network. Reported by Committee on Local Government.

MAJORITY recommendation: Do pass 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., audio-visual, 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."

Signed by Representatives Haussler, Chairman; Hanna, Vice Chairman; Douthwaite, Kalich, Laughlin, Cochrane, Eng, Lee, North, Paris, Shinpoch, Smith (Edward), Zimmerman.

To Committee on Rules for second reading.

February 11, 1976

HOUSE BILL NO. 1402, Prime Sponsor: Representative Laughlin: Revising regulations of diking, drainage and other special districts. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means - Appropriations.

February 11, 1976

HOUSE BILL NO. 1627, Prime Sponsor: Representative Randall: Relating to revenue and taxation. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means - Revenue.

February 11, 1976

HOUSE BILL NO. 1628, Prime Sponsor: Representative Randall: Relating to revenue and taxation. Reported by Committee on Rules.

MAJORITY RECOMMENDATION: Rerefer to Committee on Ways and Means – Revenue.

February 11, 1976

HOUSE BILL NO. 1629, Prime Sponsor: Representative Randall, relating to revenue and taxation. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means – Revenue.

February 11, 1976

HOUSE BILL NO. 1630, Prime Sponsor: Representative Randall, relating to revenue and taxation. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means – Revenue.

February 11, 1976

HOUSE JOINT RESOLUTION NO. 84, Prime Sponsor: Representative Randall, pertaining to revenue and taxation. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means – Revenue.

SECOND READING

HOUSE BILL NO. 993, by Representatives Conner and Warnke:

Regulating environmentally hazardous wastes.

The bill was read the second time.

On motion of Ms. Valle Second Substitute House Bill No. 993 was substituted for House Bill No. 993 and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 993 was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Second Substitute House Bill No. 993 was placed on final passage.

Ms. Valle spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Valle yielded to question by Mr. Deccio.

Mr. Deccio: "What fiscal impact does this have after the initial use of Referendum 27 moneys is exhausted in terms of state and county requirements which this bill would impact?"

Mrs. Valle: "The best answer I can give you is that the representative of the county officials, the Association of Washington Counties, did not think that there would be a fiscal impact. The fact of the matter is that what we can discover through planning, if there is to be a fiscal impact, we can take care of perhaps in 1977, but the fact that the local governments have a veto power and sit on the Siting Council is a protection for local communities, and so the best answer I can give you, is that they do not think, right now, that there will be a fiscal impact."

Mr. Deccio: "There is some uncertainty then as to what the fiscal impact would be?"

Mrs. Valle: "We can discover that in the planning in 1977."

POINT OF PARLIAMENTARY INQUIRY

Mr. Wilson: "Under Senate Concurrent Resolution No. 125, how does this bill fit, considering the cutoff for hearing House bills was February 6th?"

The Speaker Pro Tem: "This particular measure contains an appropriation of \$146,000; the bill had been referred to Ways and Means Committee and it was the position of the Rules Committee that it is within the cutoff resolution."

Mr. Zimmerman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 993, and the bill passed the House by the following vote: Yeas, 69; nays, 20; not voting, 8.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bausch, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Greengo, Hanna, Hansen, Haussler,

Hawkins, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Paris, Parker, Peterson, Randall, Seeburger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Bond, Curtis, Deccio, Dunlap, Eikenberry, Freeman, Gilleland, Haley, Hansey, Hayner, Hendricks, Kuehnle, Leckenby, Matthews, Newhouse, Polk, Schumaker, Tilly, Whiteside.

Not voting: Representatives Bauer, Berentson, Lee, Maxie, Pardini, Patterson, Perry, Sawyer.

Second Substitute House Bill No. 993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1342, by Representatives Tilly, Hayner and Barnes:

Establishing procedures for payment of costs by convicted criminal defendants.

The bill was read the second time.

On motion of Mr. Gaspard, the rules were suspended, the second reading considered the third, and House Bill No. 1342 was placed on final passage.

Representatives Tilly and Smith (Rick) spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1342, and the bill passed the House by the following vote: Yeas, 90; nays, 0; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fianagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Peterson, Polk, Randall, Schumaker, Seeburger, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Hendricks, Lee, Maxie, Patterson, Perry, Sawyer, Sommers.

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.

HOUSE BILL NO. 1366, by Representatives North, Chandler, Matthews, Fortson and Sherman:

Preserving Mount Si.

The bill was read the second time.

On motion of Mrs. Hurley (Margaret), Substitute House Bill No. 1366 was substituted for House Bill No. 1366, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1366 was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute House Bill No. 1366 was placed on final passage.

Representatives North and Chandler spoke in favor of passage of the bill.

POINT OF INQUIRY

Mrs. North yielded to question by Mr. Conner.

Mr. Conner: "Many of us are concerned about the completion of I-90 and there is some concern expressed that this might delay that in that there would not be the rock to complete the route. Is this going to create a shortage of rock for the road base for I-90?"

Mrs. North: "I know for a fact that all of the rock is already acquired that will be needed in the I-90 region of North Bend. We expect that to be completed by 1977 and you won't have to put up with the traffic light any more. Further, the rock that has been in danger of being quarried from the mountain is landscape rock."

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1366, and the bill passed the House by the following vote: Yeas, 90; nays, 2; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Nelson, Schumaker.

Not voting: Representatives Kalich, Lee, Lysen, Perry, Sawyer.

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.

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.

(For previous action, see Tuesday's Journal, February 10, 1976.)

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Pardini and Bauer.

Mr. Tilly moved adoption of the following amendment by Representatives Tilly and Dunlap to the Pardini/Bauer amendment:

On page 1, line 9 after "student" insert "and parent or guardian"

Representatives Tilly and Pardini spoke in favor of the amendment to the amendment, and it was adopted.

On motion of Mr. Tilly, the following amendment by Representatives Tilly and Dunlap to the amendment was adopted:

On page 1, line 10 after "against" strike "him" and insert "the student"

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Pardini and Bauer as amended.

Mr. Pardini spoke in favor of the amended amendment.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Douthwaite.

Mr. Douthwaite: "I am concerned about the potential overkill aspect of this thing which might overly restrict the power of the teacher to discipline students. Suppose for example that there is a minor infraction such that a teacher wants to keep a student for half an hour after school as a minor form of punishment. Under this amendment would it be required to present the student an opportunity for a hearing or a written notice for even such a small thing as one-half hour or an hour after school?"

Mr. Bauer: "I think that a teacher requesting a student to stay after school would be concluded to be an effort for improvement in the instruction of that child rather than discipline, but if it was discipline then I would say that they would follow the normal procedures."

Mr. Douthwaite: "I don't think you have answered my question. Would it require a hearing or a written notice? I'm not talking about requesting, I'm talking about an order a teacher would make to a student that he will stay after school."

Mr. Bauer: "I guess it would be possible that could happen, but I would think the teacher's judgment would be one of saying that the student is being kept for his benefit in terms of instruction and not discipline, and therefore, we would not be under that hassle."

The amendment as amended was adopted.

House Bill No. 1314 was ordered engrossed.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1314 was placed on final passage.

Mr. Bauer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1314, and the bill passed the House by the following vote: Yeas, 90; nays, 3; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warne, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Becker, Cochrane, Eng.

Not voting: Representatives Lee, Matthews, Perry, Sawyer.

Engrossed House Bill No. 1314, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT RESOLUTION NO. 65, by Representatives Randall, Pardini, Sommers, Hurley (Margaret), Polk and Paris (by Parks and Recreation Commission request):

Amending the Constitution to permit current use assessment of designated historic sites and improvements thereon.

The resolution was read the second time.

Committee on Ways and Means – Revenue recommendation: Majority, do pass as amended. (For amendment, see Journal, Thirty-first Day, 2nd ex. sess., February 4, 1976.)

On motion of Mr. Randall, the committee amendment was adopted.

House Joint Resolution No. 65 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Joint Resolution No. 65 was placed on final passage.

Representatives Randall and Polk spoke in favor of passage of the resolution.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "Does the language of this resolution provide for the relief from taxation on designated historic sites only in those instances where they are not being used for current productive value which would involve current use? The thing I'm trying to get at is—to use an example, if we had the first church ever built in the state of Washington and it was located in downtown Seattle on one hundred dollar a square foot land or something, then I understand that it's an exemption from the property tax based on that one hundred dollar a square foot valuation, which is what we are trying to get at here, but on the other hand, if that same church had been converted into a bank, let's say, and was designated as a historic site, if it was being used as a bank and enjoying the full value of the land on which it was located, would it then receive the same preferential tax treatment?"

Mr. Randall: "This is a House Joint Resolution that establishes the right of the legislature to write implementation legislation that would cover what you have just spoken to. The resolution itself does not speak to whether the land is being currently used for profit or not for profit or anything. It just sets the Constitution in order to allow implementing language to be written—statutory language to be written—to allow historic sites to go on a current use of open space taxation mode. This bill does not affect what you have said; it's only an HJR for implementing language."

Mr. Kuehnle: "Then we should address that problem in the implementing language?"

Mr. Randall: "Yes."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Resolution No. 65, and the resolution passed the House by the following vote: Yeas, 89; nays, 1; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hausssler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Charette.

Not voting: Representatives Deccio, Lee, Matthews, Perry, Sawyer, Seeberger, Sherman.

Engrossed House Joint Resolution No. 65, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1296, by Representatives Randall, Pardini, Sommers, Hurley (Margaret), Polk, Paris, Hayner and Gaines (by Parks and Recreation Department request):

Exempting historical buildings and structures from sales tax.

The bill was read the second time.

On motion of Mr. Randall, Substitute House Bill No. 1296 was substituted for House Bill No. 1296, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1296 was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute House Bill No. 1296 was placed on final passage.

Mr. Randall spoke in favor of passage of the bill, and Mr. Moon spoke against it.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Parker.

Mr. Parker: "I guess my question follows up much of the question asked by Representative Kuehnle on the preceding vote we took on the House Joint Resolution in terms that I don't see anything in here that talks about when a historic building is being renovated for profit. For instance, in the city of Tacoma, I know we are going to build a shopping mall at Union Station which is on the National Historical Register. Is there anything in there that prevents them from getting a sales tax exemption on a multimillion dollar development?"

Mr. Randall: "The only sales tax exemption that would be extended would be on the improvement thereon—on what you do to improve that. It has to be on a register, a local or national register, and if you say that for whatever reason you are going to improve that piece of property, maintain it in its historic capacity, for that consideration you will be entitled to an exemption from sales tax on labor and material."

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Leckenby.

Mr. Leckenby: "Referring to the devious character that I can develop in my own mind, I can imagine that I were the owner of the Smith Tower in Seattle—it's in pretty poor shape, I think out of the eight or nine elevators there are only two or three of them operating; they have been cannibalizing the other ones, I believe, to keep the present ones operating—if I could get that building declared as a historic structure, then I would be able to repair the elevators and do other renovation in the building without paying sales tax or use tax. Am I correct? Would not this be an incentive for owners to try to get their old homes or old buildings declared as historical?"

Mr. Randall: "I think that's exactly right. It's to be used as an incentive to do just that—to repair those historic sites, not let them fall into disrepair, to go ahead and bring them up to a point where the state does maintain those things. Realize the exemption expires in 1984, so you have a limited time in which to do this; you must get on the ball and do it, but that's

exactly the reason, Representative Leckenby, that we are trying to encourage people to maintain these historic sites."

Ms. Sommers spoke in favor of passage of the bill, and Representatives Blair and Parker spoke against it.

Mr. Randall closed debate, speaking again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1296, and the bill failed to pass the House by the following vote: Yeas, 45; nays, 49; not voting, 3.

Voting yea: Representatives Adams, Barnes, Bausch, Becker, Berentson, Bond, Brown, Ceccarelli, Charnley, Conner, Curtis, Douthwaite, Dunlap, Eikenberry, Eng, Freeman, Gaines, Gallagher, Gaspard, Halsey, Hansen, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Kilbury, King, Laughlin, Lysen, Martinis, May, Moreau, O'Brien, Pardini, Paris, Polk, Randall, Sommers, Thompson, Tilly, Valle, Warnke, Williams, Zimmerman.

Voting nay: Representatives Amen, Bagnariol, Bauer, Bender, Blair, Boldt, Chandler, Charette, Clemente, Cochrane, Deccio, Ehlers, Erickson, Fischer, Flanagan, Fortson, Gilleland, Greengo, Hanna, Haussler, Hawkins, Jastad, Jueling, Kalich, Knowles, Kuehne, Leckenby, Lux, Matthews, Maxie, McCormick, McKibbin, Moon, Nelson, Newhouse, North, Osterman, Parker, Patterson, Peterson, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Whiteside, Wilson, Wojahn.

Not voting: Representatives Lee, Perry, Sawyer.

Substitute House Bill No. 1296, having failed to receive the constitutional majority, was declared lost.

HOUSE BILL NO. 1300, by Representatives Randall, Pardini, Sommers, Hurley (Margaret), Polk, Paris, Hayner and Gaines (by Parks and Recreation Department request):

Exempting improvements on historically significant structures from property taxation.

The bill was read the second time.

On motion of Mr. Randall, Substitute House Bill No. 1300 was substituted for House Bill No. 1300, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1300 was read the second time.

On motion of Ms. Sommers, the following amendment was adopted:

On page 1, line 13 after "1990" insert "unless extended by the legislature for an additional fixed period of time"

Mr. Pardini moved adoption of the following amendment by Representatives Curtis and Pardini:

On page 1, beginning with line 11 strike "subsequent to the commencement of the construction of the improvement" and insert "commencing with the year in which the value of the improvement is first assessed on the property"

Representatives Curtis and Randall spoke in favor of the amendment.

POINT OF INQUIRY

Ms. Sommers yielded to question by Mr. Deccio.

Mr. Deccio: "As I understand this bill, this applies to present structures that are on the historical register?"

Ms. Sommers: "Yes, it does."

The amendment was adopted.

Mr. Pardini moved adoption of the following amendment by Representatives Pardini and Curtis:

On page 1, line 21 after "ordinance" strike ": PROVIDED, That such structures appearing on a local register must meet qualifications necessary to appear on either the state or national register." and insert a semicolon.

Representatives Pardini and Curtis spoke in favor of the amendment, and Representatives Williams, Leckenby and Randall spoke against it.

Mr. Pardini spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment to page 1, line 21 of Substitute House Bill No. 1300 by Representatives Pardini and Curtis, and the amendment was adopted by the following vote: Yeas, 50; nays, 42; not voting, 5.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Becker, Berentson, Bond, Chandler, Clemente, Curtis, Deccio, Dunlap, Eikenberry, Eng, Flanagan, Fortson, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Jastad, Juelling, Kalich, King, Kuehnle, Martinis, Maxie, May, McCormick, Moon, Moreau, Newhouse, Osterman, Pardini, Paris, Patterson, Polk, Schumaker, Thompson, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bausch, Bender, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fischer, Gaines, Hanna, Hawkins, Hurley M., Kilbury, Knowles, Laughlin, Leckenby, Lux, Lysen, McKibbin, Nelson, North, O'Brien, Parker, Peterson, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Gaspard, Lee, Matthews, Perry, Sawyer.

Mr. Pardini moved adoption of the following amendment by Representatives Pardini and Curtis:

On page 2, line 6 add a new section to read as follows:

"NEW SECTION, Sec. 3. The following property shall be exempt from taxation:

Any property designated 'historic' by any city or county, the use or alteration of which is limited or restricted by the city or county, on the basis of the property's historic characteristics, shall be exempt from any levy made by or for the city or county: PROVIDED, That the exemption shall expire on January 1 of the year following the removal, repeal or expiration of any such limitation or restriction. A taxpayer desiring to obtain the exemption granted by this section must file a claim of exemption with the county assessor on forms prescribed by the director of the department of revenue and furnished to the taxpayer by the county assessor."

Renumber the remaining section consecutively.

Representatives Pardini and Curtis spoke in favor of the amendment, and Representatives Randall and Sommers spoke against it.

The Clerk read the following amendment to the amendment by Representative Pardini: "This section shall expire December 31, 1977."

POINT OF ORDER

Ms. Sommers: "Mr. Speaker, I believe we were in the process of voting. There was the aye vote taken, but there was no call for the nays."

The Speaker Pro Tem: "Your point of order is well taken. I was in the process of putting the motion for a vote. You are still not precluded, Representative Pardini, from moving to reconsider to do whatever you want to bring it back and I will offer your amendment later."

The amendment by Representatives Pardini and Curtis was not adopted.

MOTION FOR RECONSIDERATION

Mr. Eikenberry, having voted on the prevailing side, moved that the House now reconsider the vote by which the amendment by Representatives Pardini and Curtis was lost.

Mr. Pardini spoke in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which the amendment adding a new section 3 to Substitute House Bill No. 1300 was not adopted by the House, and the motion was lost by the following vote: Yeas, 45; nays, 47; not voting, 5.

Voting yea: Representatives Amen, Barnes, Berentson, Bond, Brown, Chandler, Clemente, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hendricks, Jastad, Juelling, Knowles, Kuehnle, Leckenby, Matthews, May, McCormick, Moon, Moreau, Newhouse, North, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Ceccarelli, Charette, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Gaines, Gaspard, Hanna, Hawkins, Hurley M., Kilbury, King, Laughlin, Lux, Lysen, Martinis, Maxie, McKibbin, Nelson, O'Brien, Osterman, Parker, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Hurley G. S., Kalich, Lee, Perry, Sawyer.

Substitute House Bill No. 1300 was ordered engrossed and passed to Committee on Rules for third reading.

NOTICE OF RECONSIDERATION

Mr. Charette, having voted on the prevailing side, served notice that he would, on the next working day, move for reconsideration of the vote by which the House failed to pass Substitute House Bill No. 1296.

HOUSE BILL NO. 1316, by Representatives Fortson, Bauer, Fischer and Maxie:

Authorizing state funding of senior citizens' nutrition program.

The bill was read the second time.

On motion of Mr. Adams, Second Substitute House Bill No. 1316 was substituted for House Bill No. 1316, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 1316 was read the second time.

On motion of Mr. Shinpoch, the following amendment was adopted:

On page 8, line 33 after "act" strike the comma and all material down to and including "purposes" on line 34

On motion of Mr. Thompson, the rules were suspended to allow additional sponsors to sign on the bill.

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "In this case, if other members of the House want to be sponsors, how long will the list be open so their names can be added?"

The Speaker Pro Tem: "It will be open before we act on it on third reading. The people who desire to become sponsors should come up immediately."

Second Substitute House Bill No. 1316 was ordered engrossed.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Engrossed Second Substitute House Bill No. 1316 was placed on final passage.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Curtis.

Mr. Curtis: "Representative Shinpoch, you remember in committee we had a question that no one seemed to be able to answer referring to page 2, subsection (6) that talks about eligibility at 40% or below that of the state median income. Can you give me a figure? What is the state median income and what is 40% approximately?"

Mr. Shinpoch: "I'm not sure that I can answer you. I have a figure of \$11,400 as a median income and I'm not sure but what that's the King County figure which I was using in Title 20 for daycare, and I was doing that in the King County area. I'm not sure if that's the statewide or King County median."

Mr. Curtis: "In essence, the way it would work, if it is \$11,400, then roughly \$4,400 would be that figure or below for a person to qualify?"

Mr. Shinpoch: "Yes."

Representatives Adams, Fortson, Tilly and Shinpoch spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Flanagan.

Mr. Flanagan: "I understand that the supplemental budget increases the spending level around \$180 million and that you have a tax package prepared to take care of that. This appropriation is in addition to the supplemental budget; it is not a part of it, and I was just wondering whether the tax package includes enough additional money to pay this \$7.5 million?"

Mr. Shinpoch: "Yes, Representative Flanagan, this is one of the items that our caucus voted that had a priority that would fit the funding pattern of this session and it will be covered with the revenue package that comes out of the Ways and Means Committee. There will be sufficient funds to cover this."

Ms. Cochrane spoke in favor of the bill.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Patterson.

Mr. Patterson: "In the appropriation, section 8, there is a reference here indicating that you would use the federal money first. Do we have any idea of what amount of federal money might be available and whether or not the state will pick up the tab in the future or whether the federal government has dedicated itself to funding these programs which I am in support of? I would just like to know what the future impact on the state would be?"

Mr. Shinpoch: "I'm glad you asked that question. It gives us an opportunity to talk about that portion of it a little more. You really asked two questions and let me address the first one relative to the match. What we think that we, in effect, have in our hands now is a three to one match on a demonstration project which would amount to 75% of the \$7.5 million. The money is available. Former Representative Lynch of this House is working on that portion from ATW. Senator Magnuson is working from the Congressional side and we think that we have a program worked out for a demonstration project. That answers the first question on a three to one match and we think that's pretty well set. We are very confident of that—maybe hopeful is a better word. After you get past the demonstration project some of the funding from the federal source no doubt will depend upon how well we do in the demonstration project. To be very candid, so that everyone understands, we are expanding federal programs in this. There is an expansion of the volunteer program; there is an expansion of the nutrition program; there are expansions of current federal programs that we really didn't consider were sufficient to meet the needs of our citizens—the standard of living and the manner and the style of living which we have here. A portion of that is an expansion. It could very well be that if we demonstrate what is good the government will pick up the additional on possibly a three to one basis further, but at this point we would have no assurance of that."

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Matthews.

Mr. Matthews: "Will this effect a cost shift at all? Several of the speakers have alluded to reprioritization of our philosophy of dealing with elderly needs; will this, in fact, effect any kind of a cost shift or is this strictly a new program that is going to be added on to the ones we already have?"

Mr. Shinpoch: "I suspect that what you are asking me is, is it a cost saving program and I'll answer both segments. As a cost saving program, I think there will be an initial one-time savings of a small amount between the adult day care and the in-home services versus going to nursing homes, but I think that's going to be a small increment and it will only occur once and then the beds will be full again in the nursing homes and I think they will stay full. I think that is a one-time thing. I think what we are really talking about is the quality of life that we have to offer of an institutional—whether it's a private or nonprofit or state institution—versus home care. The other portion relative to shifting of funding from other programs to this program—that would occur only if we did not provide the new tax dollars to pay for it. It is our plan to provide that tax dollar; therefore, it should not dilute other programs. We are saying this is a program that we want, here will be the taxes that must be voted on before this becomes effective and to pay for it, so I do not expect a shift."

Mr. Matthews: "After the initial program, which is a pilot kind of a program, have you gotten any kind of communication from the federal government of what the shift in percentage of federal dollars is going to be that we will then match? You say that it is 25 to 75 match, what will it be then?"

Mr. Shinpoch: "I don't have any way of answering that, I'm sorry. I wish I had the data; I wish we had the assurance that we were going to continue that, but I must be candid and say that initially the only thing that we can really talk realistically about is the demonstration project."

Mr. Matthews: "Is this the request here and this particular program that we have outlined before us now really mostly an attempt to justify the creation of a division or an office on aging within the Department of Social and Health Services on a statutory basis?"

Mr. Shinpoch: "I guess I would have to answer that no. You understand that I would be for this, I don't care if they do it out of OCD. I think this is the right thing to do and I don't care where they do it and I'm not really interested in that, but in my judgment, no, that certainly is not influenced where I'm coming from on the bill."

Mr. Matthews spoke against passage of the bill.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Deccio.

Mr. Deccio: "Representative Shinpoch, I voted this bill out of committee, but the one question I have is will this program take away from ongoing programs that are considered to be successful within the Department of Social and Health Services?"

Mr. Shinpoch: "No, it can only do that if we were not planning on funding it with new taxes."

Mr. Deccio: "The reason I ask that question is because a situation has arisen within the last few months where the request for Firlands was made by the Department which resulted in their getting \$700,000 for that project and it actually ended up shorting some ongoing programs, several of which are now back in this supplemental budget and I asked Mr. Bradley that question and I didn't get the answer that I thought he should have given. I thought perhaps the Ways and Means Committee could answer that question. What I would like to see is if Ways and Means Committee would follow up to see whether or not this does not happen again?"

Mr. Shinpoch: "I suspect that possibly if it did happen, one of the reasons it happened was because we didn't pass any new taxes to fund any of those new things we started and this time we are going to."

Mr. Deccio: "You misunderstood me, Representative Shinpoch. I said that the request of the \$700,000 for Firlands actually affected the funding of programs that were ongoing at the time, which then meant that they had to come back and ask for funds to continue those programs that were already in existence and when I asked Mr. Bradley why they did that and told him that if the Ways and Means people had known what he was doing they wouldn't have granted the request, he said they were going for both. My question is, is this an attempt to do the same thing?"

Mr. Shinpoch: "No."

Mr. Pardini spoke in favor of the bill, and Mr. Peterson spoke against it.

Mr. Bender demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1316, and the bill passed the House by the following vote: Yeas, 88; nays, 0; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Conner, Eikenberry, Hendricks, Kuehnle, Matthews, Newhouse, Perry, Polk, Sawyer.

Engrossed Second Substitute House Bill No. 1316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I wish the record to show that I voted for Engrossed Second Substitute House Bill No. 1316.

JOHN L. HENDRICKS, 22nd District.

EXPLANATION OF VOTE

Second Substitute House Bill No. 1316 represents a significant change in policy in relation to the creation and expansion of services that aid older persons in remaining in an independent living situation. The current high use of institutional care, which, in some cases is premature and/or inappropriate, has largely been due to current state and federal funding patterns. Public funds are much more readily available to finance institutional care while, though oftentimes mentioned as being more desirable, little is available to fund in-home or community-based supportive services and personal care services for those persons in need of some care but not necessarily twenty-four hour skilled or custodial institutional care that is neither appropriate nor desirable.

This bill is particularly important in light of the facts that (1) the number of persons age 60 or over is increasing steadily and will continue to increase for at least another 30 years; and (2) the percentage of persons over age 60 is also increasing, which means that a greater percentage (now standing at 10%) of our population will be elderly.

Currently there exist few services that are aimed at meeting the needs peculiar to elderly persons. Second Substitute House Bill No. 1316 presents a broad spectrum of services aimed at developing a means that will allow elderly persons to remain in their own homes in an independent living situation. Such services assure older persons of their dignity and respect in our society and recognize our appreciation of their contributions.

The backbone of the bill consists of a combination of five bills relating to aging that were introduced separately earlier this session. (HB 41, 1274, 1277, 1312 and 1316) They relate to the provision of in-home services (homemaker, home-health, homemaker-home health aide and chore), geriatric day care, geriatric health screening, senior volunteer programs and expansion of the federal Title VII nutrition programs. The reason we have consolidated the five bills into SSB 1316 is that it will be easier for Washington state to obtain a 75% federal match.

In addition, to provide services that "fill the gaps" in a concept offering a "continuum of care" there are included the following services:

Access services - which are a means of providing entry into the service delivery system for eligible individuals. Access services include outreach - a methodology designed to find eligible persons; information and referral - a means to give persons information relevant to their needs and to refer them to appropriate services; and transportation services (often specially designed) to get people to and from such things as day care centers and medical appointments.

Several innovative services have been included in SSB 1316. These are all part of a standard care package in many European countries and are just beginning to be recognized in this country. They include geriatric night services (a service for those who require a supervised therapeutic program overnight), respite services - a means of providing the caretakers of eligible persons a limited period of respite and relief - this type of services allows a family to take a vacation or go out of town without worrying about well-being of the parent or spouse. Hospice services relate to care of the terminally ill and include counseling, alleviation of pain and attendance by the family at the time of death. No life-sustaining mechanisms are utilized. Hospice services provide a more natural setting for one who is dying and for their family - families are together rather than isolated and alone. Mental health services help the elderly deal with depression, isolation and help persons keep a healthy mental attitude toward life. Since one's mental health has a lot to do with one's physical health, the provision of mental health services can have a far reaching effect on the independent living situation of an individual. Housing services including housing counseling, moving assistance, minor home

repair and handyman services – all aim at helping an older person to remain in an independent living situation by providing the individual with help at tasks he can no longer do because of the infirmities brought on by old age.

ELEANOR FORTSON, 10th District.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 10, 1976

HOUSE BILL NO. 1282, Prime Sponsor: Representative Tilly, 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. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Adams, Chairman; Fischer, Greengo, Haley, Hanna, Hendricks, Paris, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

February 12, 1976

REENGROSSED SUBSTITUTE SENATE BILL NO. 2088, Prime Sponsor: Senator Talley, requiring license for smelt dealers. Reported by Committee on Natural Resources.

MAJORITY recommendation: Do pass 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 remaining 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"

Signed by Representatives Martinis, Chairman; Gilleland, Greengo, Hansey, Haussler, Kalich, Kilbury, Matthews, May.

To Committee on Rules for second reading.

February 11, 1976

ENGROSSED SUBSTITUTE SENATE BILL NO. 2243, Prime Sponsor: Senator North, revising laws of filiation proceedings and enacting the uniform parentage act. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass 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 incident 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 represented 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 non-existence 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 attorneys' fees.

(6) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

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(~~(s)~~) and all lawfully adopted children(~~and illegitimates as specified in RCW 11.04.081~~).

(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 illegitimate 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 herein-after 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
JANE DOE

}
}
}

No.
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...

Clerk

(SEAL)

Deputy Clerk

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 permanently 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 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-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 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 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...

(SEAL)

Clerk

Deputy Clerk

Sec. 36. 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 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 certified 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."

Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hayner, Maxie, Patterson, Sherman.

To Committee on Rules for second reading.

February 12, 1976

SUBSTITUTE SENATE BILL NO. 2635, Prime Sponsor: Senator Matson, authorizing the department of personnel to appoint hearing examiners. Reported by Committee on State Government.

MAJORITY recommendation: Do pass with the following amendment:

Beginning on page 4, strike all of sections 5 and 6 and renumber the remaining sections consecutively.

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Bender, Hendricks, Hurley (Margaret), Leckenby, McKibbin, Polk, Williams.

To Committee on Rules for second reading.

February 12, 1976

SUBSTITUTE SENATE BILL NO. 2689, Prime Sponsor: Senator Bailey, regulating school-related photography services. Reported by Committee on Education.

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 23 after "is" insert "publicly and"

On page 2, line 26 after "therefor" insert ": PROVIDED FURTHER, That fair compensation may include assistance in scheduling, organizing or directing the photography of senior pictures by a student organization producing a student yearbook"

Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Bender, Brown, Ehlers, Fortson, Gaspard, Haley, Hendricks, Warnke, Whiteside.

To Committee on Rules for second reading.

February 12, 1976

SUBSTITUTE SENATE BILL NO. 3098, Prime Sponsor: Senator Rasmussen, authorizing payroll deductions for combined health agencies program. Reported by Committee on State Government.

MAJORITY recommendation: Do pass. Signed by Representatives Ehlers, Vice Chairman; Hendricks, Hurley (Margaret), Nelson, Polk, Williams.

MINORITY recommendation: Do not pass. Signed by Representative Leckenby.

To Committee on Rules for second reading.

February 12, 1976

SENATE BILL NO. 3138, Prime Sponsor: Senator Stortini, regulating interschool athletic and extracurricular activities and authorizing school board delegation of some powers relating thereto. Reported by Committee on Education.

MAJORITY recommendation: Do pass. Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Bender, Brown, Ehlers, Fortson, Gaspard, Hendricks, Valle, Warnke, Whiteside.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 76-73, by Representatives Hurley (George) and Pardini:

WHEREAS, Today, Thursday, February 12, 1976, is the 168th anniversary of the birth of Abraham Lincoln; and

WHEREAS, As the sixteenth President of the United States, Abraham Lincoln served through the most trying and difficult days in the history of our Republic and under his inspired leadership the Union was preserved and the slaves set free; and

WHEREAS, Lincoln believed in equal rights for all persons regardless of race, religion or national origin; and

WHEREAS, Lincoln always placed the good of his country over personal gain and the demands of citizenship over the pleasures of partisanship; and

WHEREAS, Lincoln believed that the individual has a God-given dignity and that government exists to be the servant of the individual and not his master; and

WHEREAS, The life and character of Lincoln have provided a supreme guide and inspiration for all men of good will, devoted to the principles of freedom and self-government; and

WHEREAS, All men of whatever political persuasion should reflect upon the character and leadership provided by Lincoln; and

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the Forty-fourth Legislature of the state of Washington commemorate, observe, and reflect upon the life and contributions of Abraham Lincoln to our nation and to its people.

Mr. Hurley (George) moved adoption of the resolution.

Representatives Hurley (George), Tilly and Pardini spoke in favor of the resolution, and it was adopted.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Curtis, Perry and Sawyer, who were excused.

SENATE AMENDMENT TO HOUSE BILL

February 11, 1976

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 38 with the following amendment:

On page 1, line 21 strike "time," and insert "approximate" and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. King moved that the House do concur in the Senate amendment to House Bill No. 38.

Representatives King and Berentson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of House Bill No. 38 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 38 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; nays, 2; not voting, 10.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Eikenberry, Kuehnle.

Not voting: Representatives Deccio, Flanagan, Kalich, Martinis, McKibbin, Parker, Perry, Sawyer, Smith R., Thompson.

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.

On motion of Mr. Bender, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 3025, by Select Committee on Education (Originally endorsed by Senators Stortini, Gould, Odegaard, Ridder, Donohue, Newschwander, Jones and Wanamaker):

Mandating school districts to set forth policy for reduction-in-force of school personnel.

The bill was read the second time.

Committee on Education recommendation: Majority, do pass as amended. (For amendment, see Journal, Thirty-sixth Day, 2nd ex. sess., February 9, 1976.)

Mr. Bauer moved adoption of the committee amendment.

Representatives Bauer and Warnke spoke in favor of adoption of the committee amendment, and Representatives Whiteside and Newhouse spoke against it.

Mr. Bender demanded an electric roll call and the demand was sustained.

Mr. Warnke spoke again in favor of the committee amendment, and Mrs. Hayner spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the committee amendment to Engrossed Senate Bill No. 3025, and the amendment was adopted by the following vote: Yeas, 53; nays, 36; not voting, 8.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Randall, Sherman, Shipoch, Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Jueling, Knowles, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson.

Not voting: Representatives Boldt, Martinis, Osterman, Perry, Sawyer, Seeberger, Smith E. P., Zimmerman.

Mr. Kuehnle moved adoption of the following amendment:

On page 1, line 11 following "employees" insert ": PROVIDED, That such policy and procedure shall emphasize balance of instructional staff rather than seniority,"

Mr. Kuehnle spoke in favor of adoption of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kuehnle to Engrossed Senate Bill No. 3025, and the amendment was not adopted by the following vote: Yeas, 45; nays, 47; not voting, 5.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Chandler, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Fischer, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Jueling, Kalich, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sommers, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Eng, Erickson, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Sherman, Shipoch, Smith E. P., Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Hawkins, Martinis, Perry, Sawyer, Smith R.

Mr. Barnes moved adoption of the following amendment by Representatives Barnes and Sommers:

On page 1, line 11 after "employees" and before the period insert ": PROVIDED, That the reduction in force policy may consider program requirements and employee competency"

Mr. Chandler moved adoption of the following amendment to the Barnes/Sommers amendment by Representatives Chandler and Sommers:

After "force policy" strike "may" and insert "shall"

Representatives Chandler and Newhouse spoke in favor of the amendment to the amendment, and Representatives King and Barnes spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Chandler and Sommers to the Barnes/Sommers amendment to Engrossed Senate Bill No. 3025, and the amendment to the amendment was not adopted by the following vote: Yeas, 35; nays, 55; not voting, 7.

Voting yea: Representatives Amen, Berentson, Blair, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueling, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Polk, Schumaker, Seeberger, Sommers, Tilly, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Bender, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Peterson, Sherman, Shipnuch, Smith E. P., Thompson, Valle, Warnke, Whiteside, Williams.

Not voting: Representatives Becker, Martinis, Perry, Randall, Sawyer, Smith R., Wojahn.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Barnes and Sommers.

Representatives Barnes and Sommers spoke in favor of the amendment, and Representatives Warnke and Berentson spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment to Engrossed Senate Bill No. 3025 by Representatives Barnes and Sommers, and the amendment was not adopted by the following vote: Yeas, 26; nays, 59; not voting, 12.

Voting yea: Representatives Barnes, Blair, Bond, Brown, Chandler, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Juelling, Kuehnle, Leckenby, Lee, Matthews, Maxie, Parker, Peterson, Polk, Schumaker, Sommers.

Voting nay: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Ehlers, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Lux, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Patterson, Seeberger, Sherman, Shipnuch, Smith R., Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Curtis, Douthwaite, Hurley G. S., Kalich, Lysen, Martinis, Pardini, Perry, Randall, Sawyer, Smith E. P., Tilly.

Engrossed Senate Bill No. 3025 as amended by the House was passed to Committee on Rules for 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 second time.

Committee on Ecology recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-sixth Day, 2nd ex. sess., February 9, 1976.)

On motion of Mrs. Valle, the committee amendments were adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Substitute Senate Bill No. 2130 as amended by the House was placed on final passage.

Representatives Valle and Zimmerman spoke in favor of passage of the bill, and Representatives Gallagher and Wilson spoke against it.

POINT OF INQUIRY

Mrs. Valle yielded to question by Mrs. Hurley (Margaret).

Mrs. Hurley (Margaret): "I wondered if you had made any plans for this advisory committee to self-destruct as we have in so many of the other bills that we've passed? Also \$180 million was mentioned, and I only see a reference to Referendum 26 funds. How much money is involved?"

Mrs. Valle: "My understanding is that Referendum 26 does include these funds, and in answer to your first question as to the self-destruction of the committee, since they are recycling and reusing, you know, maybe they will think about self-destruction of their own selves. I'm going to yield to Representative Zimmerman on the exact amount of Referendum 26 moneys."

Mr. Zimmerman: "Because there has as yet not been specific projects that are outlined, we can't give you an estimate on the referendum money, but at this point the Department of Ecology has agreed not to ask for, and there were not, extra funds included in the budget for that purpose. It will be such that the projects that would be involved, whatever the amount

will be, will come back to this legislature for approval as Referendum 26 projects, so we will have a chance at that time to say yes or no to them. At this point it's a wash in terms of what is involved here."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 2130 as amended by the House, and the bill passed the House by the following vote: Yeas, 72; nays, 18; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Gaines, Gaspard, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, O'Brien, Osterman, Parker, Peterson, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Barnes, Bond, Deccio, Flanagan, Fortson, Freeman, Gallagher, Gilleland, Greengo, Jastad, Juelling, Kuehnle, Leckenby, North, Polk, Schumaker, Tilly, Wilson.

Not voting: Representatives Curtis, Newhouse, Pardini, Paris, Patterson, Perry, Sawyer.

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.

STATEMENT FOR THE JOURNAL

The intent of this statement is to supplement and expand on my answer to Representative Margaret Hurley's question which asked about specific projects and exact figures being spent on Referendum 26 funds.

Referendum 26 (Chapter 127, Laws of 1972) authorized the issuance, at any time prior to January 1, 1980, and sale of state general obligation bonds in the sum of \$225,000,000 to provide funds for the planning, acquisition, construction, and improvement of public waste disposal facilities.

It is the Department of Ecology's estimate that the maximum federal grant money available for waste disposal proposals through 1979 will be approximately \$500 million. This level of federal match through 1979 would leave in the revolving account at the end of that period approximately \$65 million for purposes which would qualify under the provisions of the referendum. A more conservative estimate based on fewer federal match dollars through 1979 indicates an amount of \$90 million available in the account for other purposes or for future matching requirements.

This department estimate is based upon the actual federal match made available for the years 1974 through 1976 and projecting until 1979. The maximum is based on continuation of the 1976 level. It also includes the withholding of \$60 million which has been set aside for local match purposes consistent with the intent of Referendum 26. These local match programs include \$20 million for lake rehabilitation, \$30 million for solid waste management facilities, and \$10 million for agricultural pollution control projects.

So far no projects have been approved for recycling and resource recovery, but \$12 million has been approved for solid waste facilities. The total of solid waste management loans is approximately \$1 million, all of which has been repaid.

HAROLD S. ZIMMERMAN, 17th District.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

ENGROSSED SENATE BILL NO. 2989, by Senators Beck, Wilson and Guess:

Making changes in the laws relating to election schedules.

The bill was read the second time.

Committee on Constitution and Elections recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-eighth Day, 2nd ex. sess., February 11, 1976.)

On motion of Mr. Hawkins, the committee amendments were adopted.

On motion of Mr. Bender, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 2989 as amended by the House was placed on final passage.

Mr. Hawkins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 2989 as amended by the House, and the bill passed the House by the following vote: Yeas, 89; nays, 0; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Curtis, Hanna, Jueling, Leckenby, Pardini, Paris, Perry, Sawyer.

Engrossed Senate Bill No. 2989 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.

ENGROSSED SENATE BILL NO. 2990, by Senators Wanamaker, Henry and Sellar:

Imposing a tax on coin-operated gaming devices.

The bill was read the second time.

On motion of Mr. Bender, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 2990 was placed on final passage.

Mrs. Erickson spoke in favor of passage of the bill, and Mr. Warnke spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 2990, and the bill passed the House by the following vote: Yeas, 63; nays, 25; not voting, 9.

Voting yea: Representatives Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Deccio, Ehlers, Eikenberry, Eng, Erickson, Fischer, Gaines, Gilleland, Greengo, Haley, Hanna, Hansey, Hawkins, Hayner, Hendricks, Hurley G. S., Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Matthews, Maxie, McKibbin, Moon, Moreau, Nelson, Newhouse, O'Brien, Osterman, Pardini, Parker, Peterson, Polk, Schumaker, Seeberger, Sherman, Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson.

Voting nay: Representatives Adams, Amen, Bausch, Charette, Douthwaite, Dunlap, Flanagan, Fortson, Freeman, Gallagher, Hansen, Haussler, Hurley M., Jastad, Kalich, Martinis, May, McCormick, North, Randall, Shipoch, Smith E. P., Smith R., Warnke, Wojahn.

Not voting: Representatives Curtis, Gaspard, Jueling, Leckenby, Paris, Patterson, Perry, Sawyer, Zimmerman.

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.

The Speaker Pro Tem called on Mr. Charette to preside.

ENGROSSED 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 bill was read the second time.

Committee on State Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-eighth Day, 2nd ex. sess., February 11, 1976.)

On motion of Ms. Sommers, the committee amendments were adopted.

Mr. Tilly moved adoption of the following amendment by Representatives Tilly and Kuehnle:

On page 1, line 12 after "New Year's Day;" strike all material down to and including "Lincoln;" on line 13 and insert "(the twelfth day of February, being the anniversary of the birth of Abraham Lincoln;)"

Representatives Tilly and Conner spoke in favor of the amendment, and Representatives Sommers, Hendricks and Ehlers spoke against it.

Mr. Tilly spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Tilly and Kuehnle to Engrossed Substitute Senate Bill No. 2996, and the amendment was not adopted by the following vote: Yeas, 37; nays, 52; not voting, 8.

Voting yea: Representatives Adams, Barnes, Bauer, Bender, Berentson, Boldt, Bond, Conner, Dunlap, Fischer, Flanagan, Fortson, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Jastad, Jueling, Kalich, Kuehnle, Laughlin, Lee, Martinis, Matthews, Maxie, McCormick, North, Polk, Schumaker, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bagnariol, Bausch, Becker, Blair, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Gaines, Gallagher, Gaspard, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Kilbury, King, Knowles, Leckenby, Lux, Lysen, May, McKibbin, Moon, Moreau, Nelson, O'Brien, Osterman, Paris, Parker, Patterson, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Not voting: Representatives Amen, Curtis, Deccio, Hanna, Newhouse, Pardini, Perry, Sawyer.

On motion of Ms. Sommers, the following amendments were adopted:

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 ";" and insert "(:);"

Mr. Kuehnle moved adoption of the following amendment:

On page 1, line 26 strike all material on lines 26 through 30 and on page 2, lines 1 and 2.

POINT OF PARLIAMENTARY INQUIRY

Mr. Tilly: "I had an amendment with Representative Kuehnle that was on page 1, line 20 in the same place Representative Sommers' amendment was."

The Speaker (Mr. Charette presiding): "The Speaker believes when your amendment was presented the amendment by Representative Sommers included that and struck the words and added new words, and that your recourse at that time would have been to speak against Representative Sommers' amendment. Your amendment does not now appear to be in order and it also doesn't appear to be necessary."

MOTION FOR RECONSIDERATION

Mr. Kuehnle, having voted on the prevailing side, moved that the House reconsider the vote by which the amendment by Representative Sommers to page 1, line 21 was adopted.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which the amendment by Representative Sommers to page 1, line 21 was adopted, and the motion was lost by the following vote: Yeas, 31; nays, 57; not voting, 9.

Voting yea: Representatives Amen, Berentson, Bond, Chandler, Conner, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gilleland, Greengo, Hansen, Hansey, Hayner, Hurley M., Jastad, Jueling, Kuehnle, May, Nelson, Newhouse, North, Polk, Randall, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Bender, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Douthwaite, Ehlers, Eng, Erickson, Fischer, Gaines, Gallagher, Gaspard, Haley, Hanna, Haussler, Hawkins, Hendricks, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, McCormick, McKibbin, Moon, Moreau, O'Brien, Osterman, Paris, Parker, Patterson, Peterson, Seeberger, Sherman, Shipoch, Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Becker, Blair, Curtis, Hurley G. S., Matthews, Pardini, Perry, Sawyer, Smith E.

The Speaker (Mr. Charette presiding) stated the question before the House to be the amendment by Representative Kuehnle to page 1, line 26.

Representatives Kuehnle, Tilly and Smith (Rick) spoke in favor of the amendment, and Representatives Brown and Sommers spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kuehnle to Engrossed Substitute Senate Bill No. 2996, and the amendment was not adopted by the following vote: Yeas, 39; nays, 54; not voting, 4.

Voting yea: Representatives Amen, Bagnariol, Barnes, Berentson, Bond, Ceccarelli, Chandler, Conner, Deccio, Douthwaite, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gilleland, Haley, Hansen, Hansey, Hayner, Jastad, Juelling, Kalich, Knowles, Kuehnle, Lee, Matthews, Nelson, Newhouse, Pardini, Patterson, Polk, Randall, Schumaker, Smith R., Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bauer, Bausch, Bender, Blair, Boldt, Brown, Charette, Charnley, Clemente, Cochrane, Ehlers, Eng, Erickson, Fischer, Gaines, Gallagher, Gaspard, Greengo, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Kilbury, King, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Paris, Parker, Peterson, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Becker, Curtis, Perry, Sawyer.

On motion of Ms. Sommers, the following amendment was adopted:

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."

Mr. Tilly moved adoption of the following amendment:

On page 2, immediately following line 29 insert a new paragraph as follows:

"If any of the above specified school holidays are also federal legal holidays but observed on different dates, only the school holidays in this section provided for shall be recognized as a paid holiday when school shall not be taught under this section."

Mr. Tilly spoke in favor of the amendment, and Ms. Sommers spoke against it.

The amendment was not adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Substitute Senate Bill No. 2996 as amended by the House was placed on final passage.

Representative Hendricks spoke in favor of passage of the bill, and Representatives Tilly, Conner and Hansen spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 2996 as amended by the House, and the bill passed the House by the following vote: Yeas, 51; nays, 41; not voting, 5.

Voting yea: Representatives Adams, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Charnley, Clemente, Cochrane, Ehlers, Eng, Erickson, Fischer, Gaines, Gallagher, Gaspard, Greengo, Hanna, Haussler, Hawkins, Hendricks, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, May, Moon, Moreau, O'Brien, Osterman, Paris, Parker, Patterson, Peterson, Seeberger, Sherman, Shipoch, Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Voting nay: Representatives Amen, Bagnariol, Berentson, Bond, Ceccarelli, Chandler, Charette, Conner, Deccio, Douthwaite, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gilleland, Haley, Hansen, Hansey, Hayner, Hurley M., Jastad, Juelling, Kalich, Kuehnle, Matthews, McCormick, McKibbin, Nelson, Newhouse, North, Pardini, Polk, Randall, Schumaker, Smith E. P., Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Curtis, Hurley G. S., Maxie, Perry, Sawyer.

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.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, by Committee on Ecology (Originally sponsored by Senators Washington and Wilson – by Parks and Recreation Commission request):

Adding new provisions to laws relating to archaeological resources.

The bill was read the second time.

Committee on State Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-eighth Day, 2nd ex. sess., February 11, 1976.)

On motion of Ms. Sommers, the committee amendments were adopted.

MOTIONS

Mr. Thompson, having voted on the prevailing side, moved that the House do now reconsider the vote by which the committee amendments were adopted, and the motion was carried.

On motion of Mr. Thompson, further consideration of Engrossed Substitute Senate Bill No. 3003 was deferred, and the bill was ordered held for tomorrow's second reading calendar.

The Speaker Pro Tem resumed the Chair.

ENGROSSED SENATE BILL NO. 3047, by Senators Ridder, Marsh and Morrison:

Clarifying intent of recent change in industrial insurance law.

The bill was read the second time.

Committee on Labor recommendation: Majority, do pass as amended. (For amendment, see Journal, Thirty-seventh Day, 2nd ex. sess., February 10, 1976.)

On motion of Mr. King, the committee amendment was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3047 as amended by the House was placed on final passage.

Mr. King spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. King yielded to question by Mr. Pardini.

Mr. Pardini: "On pages 3 and 4 of the bill there is a proviso that says if it is necessary to increase the reserves in the reserve fund or to create a new pension reserve fund, these funds shall be transferred from the supplemental pension fund. If, in fact, they are transferred because of a necessity to do this, does this jeopardize that other fund for the payment of benefits? Is there any fiscal impact? Can you tell us what you anticipate in the way of transfer?"

Mr. King: "We didn't anticipate any negative fiscal impact. That language was in there in case there should be, on a temporary basis, a necessity of transferring. It sets up a fund, but there was no testimony to the effect that there would be a cost to the system; it was presented entirely as a savings to the system by all those who testified."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3047 as amended by the House, and the bill passed the House by the following vote: Yeas, 88; nays, 1; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Decchio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Pardini.

Not voting: Representatives Barnes, Bond, Curtis, Erickson, Hayner, Lux, Perry, Sawyer.

Engrossed Senate Bill No. 2047 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 3061, by Senators North, Ridder and Grant:

Allowing parties to public collective bargaining to modify negotiations and mediation periods by mutual consent.

The bill was read the second time.

Mr. Conner moved adoption of the following amendment:

On page 1, line 10 after "personnel" and before "shall" insert "as defined in RCW 41.26.030 as now or hereafter amended"

Mr. Conner spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Conner to page 1, line 10 of Engrossed Senate Bill No. 3061, and the amendment was not adopted by the following vote: Yeas, 40; nays, 48; not voting, 9.

Voting yea: Representatives Adams, Bagnariol, Bausch, Ceccarelli, Chandler, Charette, Charnley, Conner, Ehlers, Erickson, Fischer, Fortson, Gallagher, Gaspard, Hanna, Hansen, Hendricks, Hurley G. S., Hurley M., Kilbury, Knowles, Laughlin, Martinis, May, McCormick, McKibbin, North, O'Brien, Paris, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Barnes, Bender, Berentson, Blair, Boldt, Bond, Brown, Clemente, Cochrane, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Gaines, Gilleland, Greengo, Haley, Hansey, Haussler, Hawkins, Hayner, Jastad, Jueling, Kalich, King, Kuehnle, Leckenby, Lee, Lysen, Matthews, Moon, Moreau, Nelson, Newhouse, Osterman, Pardini, Patterson, Peterson, Polk, Randall, Schumaker, Tilly, Whiteside, Wilson.

Not voting: Representatives Bauer, Becker, Curtis, Lux, Maxie, Parker, Perry, Sawyer, Smith R.

Mr. Fischer moved adoption of the following amendment:

On page 1, line 6 after the enacting clause insert the following sections:

"Section 1. Section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020 are each amended to read as follows:

This chapter shall apply to any county or municipal corporation, juvenile court, municipal court, district court, or any political subdivision of the state of Washington except as otherwise provided by RCW 47.64.030, 47.64.040, 54.04.170, 54.04.180, ((28.72.010 through 28.72.090)) chapter 41.59 RCW, and chapter 53.18 RCW.

Sec. 2. Section 3, chapter 108, Laws of 1967 ex. sess. as last amended by section 15, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.56.030 are each amended to read as follows:

As used in this chapter:

(1) 'Public employer' means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body.

(2) 'Public employee' means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer.

(3) 'Bargaining representative' means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) 'Collective bargaining' means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) 'Commission' means the public employment relations commission.

(6) 'Uniformed personnel' means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of class A or AA counties or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended."

Renumber the remaining sections consecutively.

POINT OF ORDER

Mr. Newhouse: "I would suggest to the Speaker that this amendment is beyond the scope and object of the original bill."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "The pending amendment is on a different subject matter than that of the original bill. It encompasses and enlarges, apparently, employees of juvenile court, municipal court and district court and puts them into a bargaining unit. It appears that it is not in line with House Rule 33 which states that amendments must be germane to the subject matter under consideration. On that basis, I'm going to rule the amendment is out of order."

The Clerk read the following amendment by Representative Conner:

On page 1, line 13 after "personnel" and before "an" insert "as defined in RCW 41.26.030 as now or hereafter amended"

With the consent of the House, Mr. Conner withdrew the amendment.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3061 was placed on final passage.

Mr. Matthews spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3061, and the bill passed the House by the following vote: Yeas, 93; nays, 0; not voting, 4.

Noting yeas: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Curtis, May, Perry, Sawyer.

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

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 10, 1976

HOUSE CONCURRENT RESOLUTION NO. 45, Prime Sponsor: Representative Hanna, resolving that certain changes be implemented in the Washington state correctional system. Reported by Committee on Social and Health Services.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Becker, Cochran, Fischer, Greengo, Haley, Hanna, Lux, Paris, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

February 11, 1976

SENATE BILL NO. 2440, Prime Sponsor: Senator Pullen, requiring the board of prison terms and paroles to take action by either a majority or two-thirds majority in certain cases. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass. Signed by Representatives Adams, Chairman; Becker, Fischer, Fortson, Greengo, Haley, Hendricks, Osterman, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

February 11, 1976

ENGROSSED SENATE BILL NO. 3027, Prime sponsor: Senator Day, 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 3, line 4 strike "citizens, consumers" and insert "the public at large"

On page 3, line 17 strike "to be needed"

On page 4, beginning on line 21 after "71.05 RCW" strike all material down to and including "appropriation" on line 26

On page 10, line 7 after "of" insert "recommended"

On page 11, line 10 after "secretary," strike "in conjunction" and insert "after consultation"

On page 11, line 22 strike "reflected" and insert "considered"

On page 11, line 24 strike "standing legislative" and after "committees" insert "of the state legislature"

On page 13, line 26 after "department" strike "in conjunction" and insert "after consultation"

On page 14, line 33 after "secretary," strike "in conjunction" and insert "after consultation"

On page 15, line 8 after "~~36.17.030~~")" strike all material down to and including "utilized" on line 11 and insert "which shall include, but not be limited to, treatment criteria, client and treatment priorities, eligibility criteria, program and account definitions, client cost sharing formula, and program plans"

On page 15, line 24 after "chapter" strike all material down to and including "~~thereof~~)" on line 26 and insert "or regulations made by the department pursuant thereto relating to the community mental health program or the administration thereof"

Signed by Representatives Parker, Vice Chairman; Becker, Cochrane, Deccio, Eng, Greengo, Haley, Hendricks, Osterman, Peterson, Whiteside.

To Committee on Rules for second reading.

February 11, 1976

SENATE BILL NO. 3032, Prime Sponsor: Senator Day, authorizing public hospital districts broader powers to make contracts. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Becker, Cochrane, Eng, Fischer, Fortson, Greengo, Haley, Hendricks, Lux, Osterman, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

February 10, 1976

SENATE BILL NO. 3058, Prime Sponsor: Senator Day, requiring PKU tests for newborn infants. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass. Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Becker, Cochrane, Eng, Fischer, Fortson, Greengo, Haley, Hendricks, Lux, Osterman, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

February 11, 1976

ENGROSSED SENATE BILL NO. 3066, Prime Sponsor: Senator Day, authorizing disposition of human remains from autopsies under certain conditions. Reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass 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."

Signed by Representatives Adams, Chairman; Parker, Vice Chairman; Becker, Cochrane, Fischer, Fortson, Haley, Hendricks, Lux, Osterman, Peterson, Tilly, Whiteside.

MINORITY recommendation: Do not pass. Signed by Representative Eng.

To Committee on Rules for second reading.

MOTIONS

On motion of Mr. Thompson, the House advanced to the eighth order of business.

On motion of Mr. Thompson, the Rules Committee was relieved of HOUSE BILL NO. 1626 and the bill was rereferred to Committee on Ways and Means - Appropriations.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Friday, February 13, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FORTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, February 13, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Perry, Sawyer, Williams and Zimmerman, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Laura Olson and Brian Isaksen. Prayer was offered by Father James H. Blundell of St. John's Episcopal Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

POINT OF PERSONAL PRIVILEGE

Mrs. North: "Mr. Speaker and members of the House: I would like to point to the fact that you have some rocks on your desks—each one has a rock. I want you to know that these are genuine Mt. Si rocks, fresh this morning. While the people in North Bend, the 47th District, treasure every single rock on Mt. Si, they felt that they were willing to part with one for each of you in appreciation of the passage of Substitute House Bill No. 1366 yesterday."

MESSAGES FROM THE SENATE

February 12, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3172,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

February 12, 1976

Mr. Speaker:

The President has signed:

SENATE BILL NO. 2990,

SENATE BILL NO. 3061,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

HOUSE BILL NO. 38,

SENATE BILL NO. 2990,

SENATE BILL NO. 3061.

INTRODUCTION AND FIRST READING

ENGROSSED 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.

To Committee on Transportation and Utilities

REPORTS OF STANDING COMMITTEES

February 11, 1976

HOUSE BILL NO. 1624, Prime Sponsor: Representative Bagnariol, an act 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:

"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 for the fiscal biennium beginning July 1, 1975, and ending June 30, 1977, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE LEGISLATURE

General Fund Appropriation	\$	732,310
Total Appropriation	\$	732,310

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, and 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.

(a) Not more than \$287,147 shall be expended by the senate for the purposes of this section.

(b) Not more than \$390,163 shall be expended by the house of representatives for the purposes of this section.

(2) Not more than \$55,000 shall be expended for the continuation of present Public Service Broadcasting Television coverage of legislative activity and events.

NEW SECTION. Sec. 3. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation	\$	335,000
Total Appropriation	\$	335,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$50,000 shall be expended to study the feasibility of creating an inflation index for governmental expenditure analysis.

(2) Not more than \$250,000 shall be expended to undertake a property tax study.

(3) Not more than \$35,000 shall be expended to employ counsel pursuant to Senate Concurrent Resolution 122.

NEW SECTION. Sec. 4. FOR THE SUPREME COURT

General Fund Appropriation	\$	15,271
Total Appropriation	\$	15,271

The appropriation contained in this section shall be expended exclusively for expenses incurred in appellate review of indigent cases.

NEW SECTION. Sec. 5. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	63,771
Total Appropriation	\$	63,771

The appropriation 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 \$25,000 shall be expended for criminal cost bills.

(2) Not more than \$38,771 shall be expended for the additional superior court judge in Whatcom county provided for in chapter 49, Laws of 1975 1st ex. sess.

NEW SECTION. Sec. 6. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$	26,296,360
General Fund Appropriation—Federal	\$	1,060,845
Special Fund Salary Increase Revolving Fund Appropriation	\$	9,234,040
Total Appropriation	\$	36,591,245

The appropriation 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 \$27,357,205 general fund moneys (including \$1,060,845 in federal funds) shall be expended to provide a 5 percent salary increase effective July 1, 1976, 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, and commissioned members and cadets of the Washington State Patrol.

(2) Not more than \$9,234,040 in Special Fund Salary Increase Revolving Fund moneys shall be expended to provide a 5 percent salary increase effective July 1, 1976, 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, and commissioned members and cadets of the Washington State Patrol. 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. 7. FOR THE GOVERNOR—SPECIAL APPROPRIATION

General Fund Appropriation	\$	1,030,220
Total Appropriation	\$	1,030,220

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively to implement the provisions of sections 1 through 4 of chapter 263, Laws of 1975 1st ex. sess.

Sec. 8. 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)) 105,490,918
General Fund Appropriation—Federal	\$	12,962,742
Special Fund Salary Increase Revolving Fund Appropriation	\$	41,087,810
Total Appropriation	\$	((159,691,470)) 159,541,470

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) ~~\$(630,000))~~ 480,000 for the governor's emergency fund to be allocated for the purpose of carrying out the critically necessary work of any agency.

(2) Not more than \$700,000 may be allotted by the governor for survey and installation purposes.

(3) \$20,000 for the Interstate Nuclear Compact.

(4) \$2,000 for the Advisory Commission on Intergovernmental Relations.

(5) \$100,340 for the Council on State Governments.

(6) \$60,000 for Governor's Transition.

(7) \$75,000 for the National Guard Association Conference.

(8) Not more than \$117,016,320 in general fund moneys (including \$12,962,742 in federal funds) shall be expended for continuation during the 1975-77 biennium of the salary increases which were granted effective March 1, 1975 pursuant to section 2, chapter 9, Laws of 1975 to state classified and higher education classified employees, state employees exempt from the classified service, faculty and exempt employees of the four year units of higher education and the community college system, excluding student employees not under the jurisdiction of the state personnel board or higher education personnel board classification systems, and commissioned members of the Washington state patrol. Such salary increase funds include increments, or their equivalent, that may be granted by the individual institutions of higher education.

(9) Not more than \$41,087,810 in Special Fund Salary Increase Revolving Fund moneys shall be expended for continuation during the 1975-77 biennium of the salary increases granted pursuant to section 2, chapter 9, Laws of 1975, and to facilitate payment of such increases the state treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the office of program planning and fiscal management.

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$	150,000
General Fund Appropriation—Federal	\$	450,000
Total Appropriation	\$	600,000

The appropriation contained in this section shall be expended exclusively for individual and family grants qualifying under regulations established by the Federal Disaster Assistance Administration.

NEW SECTION. Sec. 10. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	61,500
Total Appropriation	\$	61,500

The appropriation 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 \$5,000 shall be expended for the lobbyist directory.

(2) Not more than \$6,600 shall be expended for commission members' per diem.

(3) Not more than \$49,900 shall be expended for data processing cost.

NEW SECTION. Sec. 11. FOR THE WASHINGTON STATE WOMEN'S

COUNCIL

General Fund Appropriation	\$	11,988
Total Appropriation	\$	11,988

NEW SECTION. Sec. 12. FOR THE STATE AUDITOR

General Fund Appropriation	\$	93,870
Total Appropriation	\$	93,870

The appropriation contained in this section shall be expended exclusively to audit the Supplemental Security Income program of the department of social and health services and for one additional auditor at the University of Washington.

NEW SECTION. Sec. 13. FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	50,000
Total Appropriation	\$	50,000

The appropriation contained in this section shall be expended exclusively to provide legal, technical, and administrative support in the case of Arco vs. Evans et. al. (case involves chapter 125, Laws of 1975 1st ex. sess., oil pollution control measures).

NEW SECTION. Sec. 14. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT

General Fund Appropriation	\$	400,000
Total Appropriation	\$	400,000

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. 15. FOR THE DEPARTMENT OF PERSONNEL

Personnel Service Revolving Fund Appropriation—State	\$	27,090
State Employees' Insurance Fund Appropriation	\$	295,892
Total Appropriation	\$	322,982

The personnel service revolving fund appropriation contained in this section shall be expended exclusively for an additional personnel analyst III for support of salary surveys.

NEW SECTION. Sec. 16. FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation	\$	2,205,863
General Fund—Resource Management Cost Account Appropriation	\$	85,000
Highway Safety Fund Appropriation—State	\$	168,000
Motor Vehicle Fund Appropriation	\$	402,000
Total Appropriation	\$	2,860,863

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 \$2,000,000, including \$1,430,000 from the General Fund, \$168,000 from the Highway Safety Fund—State Appropriation, and \$402,000 from the Motor Vehicle Fund Appropriation shall be expended for final capitalization of the Data Processing Revolving Fund to purchase equipment necessary to establish service centers in accordance with consolidation plans.

(2) Not more than \$407,510 including \$85,000 from the General Fund—Resources Management Cost Account and \$322,510 from the general fund shall be expended for transition of agency data processing to DPA service centers.

(3) Not more than \$337,353 of the general fund appropriation shall be expended for continued development of the payroll/personnel system.

(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.

(6) Not more than \$58,000 of the general fund appropriation shall be expended for state-wide data processing communications networks, including a cost benefit analysis study of integration of data processing communications networks to be submitted to the House and Senate Ways and Means Committees no later than December 1, 1976.

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	31,047
Total Appropriation	\$	31,047

The appropriation contained in this section shall be expended exclusively to implement the provisions of RCW 84.38.010 through 84.38.180 (Deferral of special assessments and/or property taxes).

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$	25,000
General Fund—Motor Transport Account Appropriation	\$	505,000
Total Appropriation	\$	530,000

(1) The general fund appropriation contained in this section shall be expended exclusively for a study of a state office building in Spokane including facilities for the Court of Appeals. The study shall include, but not be limited to, an analysis of: (a) Need; (b) agencies included and excluded and space required; (c) alternative locations, (d) cost; and (e) lease versus construction cost analysis. The study shall be presented to the Office of Program Planning and Fiscal Management, and the House and Senate Ways and Means Committees no later than December 1, 1976.

(2) The General Fund—Motor Transport Account appropriation contained herein shall be expended exclusively for the replacement of 276 vehicles in the state motor pool.

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$	123,033
Total Appropriation	\$	123,033

The appropriation contained in this section, or so much thereof as may be necessary, shall be spent exclusively for the purposes designated herein and shall be subject to the following conditions and limitations:

- (1) Not more than \$65,258 shall be expended within the Administrative and Support Services Program for risk management administration.
- (2) Not more than \$57,775 shall be expended within the Administrative and Support Services Program for the forms management activity.

NEW SECTION. Sec. 20. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation	\$	16,000
Total Appropriation	\$	16,000

The appropriation contained in this section shall be expended exclusively for health care contractor supervision pursuant to chapter 290, Laws of 1975 1st ex. sess.

NEW SECTION. Sec. 21. FOR THE LIQUOR CONTROL BOARD

Liquor Board Revolving Fund Appropriation	\$	5,000
Total Appropriation	\$	5,000

The Washington State Liquor Control Board is authorized to enter into an agreement with the Port of Seattle for the exchange of the warehouse site and building, located at 4201 East Marginal Way South, Seattle, for a warehouse site and building of equal or greater value to be provided by the Port of Seattle at a location in King County. The appropriation contained in this section or so much thereof as may be necessary, shall be expended exclusively for a cost-benefit analysis of the exchange proposal.

NEW SECTION. Sec. 22. FOR THE WASHINGTON STATE PUBLIC EMPLOYEE'S RETIREMENT SYSTEM

Retirement System Expense Fund	\$	151,746
Total Appropriation	\$	151,746

The appropriation 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 \$24,008 shall be expended for additional actuarial services on proposed legislation.
- (2) Not more than \$21,415 shall be expended for creating a new position of Internal Audit Supervisor providing employee benefits and obtaining necessary equipment and supplies.
- (3) Not more than \$9,225 shall be expended for creating a new position for the LEOFF system of Clerk II including employee benefits.
- (4) Not more than \$97,098 shall be expended to implement chapter 73, Laws of 1975 1st ex. sess.

NEW SECTION. Sec. 23. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund	\$	2,061
Total Appropriation	\$	2,061

NEW SECTION. Sec. 24. 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 a grant to the Seattle Opera Association, Inc., for the purpose of securing federal and private funds to aid in development of a viable opera program in this state.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF SOCIAL AND
HEALTH SERVICES—ADULT CORRECTIONS AND REHABILITA-
TION PROGRAM

(1) Custody

General Fund Appropriation—State	\$	65,305
Total Appropriation	\$	65,305

The appropriation contained in this subsection shall be expended exclusively for the implementation of referendum 316, requiring the reopening of the death row facility at the Washington State Penitentiary.

(2) Special Projects

General Fund Appropriation—State	\$	570,130
Total Appropriation	\$	570,130

The appropriation contained in this subsection, 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:

(a) Not more than \$170,130 shall be expended to sustain the King County Women's Community Center, Snohomish County Pre-prosecutorial Diversion Program, and the Walla Walla/Columbia Counties Intensive Supervision Program.

(b) Not more than \$100,000 shall be expended for the Vancouver Community Based Program.

(c) Not more than \$100,000 shall be expended for the Progress House of Tacoma

(d) Not more than \$100,000 shall be expended for the Yakima Work/Training Release Program.

(e) Not more than \$100,000 shall be expended for a restitution center pilot program.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF SOCIAL AND
HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) Community Services Program

General Fund Appropriation—State	\$	16,217
Total Appropriation	\$	16,217

The appropriations contained in this subsection shall be expended exclusively for the purpose of reimbursing developmental disabilities service providers for services provided between January 1, 1975, and June 30, 1975, according to the following schedule:

(a) Buklin Hill School	\$	701
(b) Holly Ridge Center	\$	1,038
(c) Olympic Peninsula Enterprises	\$	10,698
(d) Lake Oak Patch	\$	3,780

(2) Institutional Rehabilitative Services Program

General Fund Appropriation—State	\$	150,000
Total Appropriation	\$	150,000

The appropriation contained in this subsection shall be expended exclusively for an adult education and training demonstration project at Rainier School. This demonstration project shall include an evaluation component that will assist the department in determining the need for and feasibility of adult education and training programs in all state institutions for the developmentally disabled.

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF SOCIAL AND
HEALTH SERVICES—INCOME MAINTENANCE PROGRAM

(1) Maintenance Grants

General Fund Appropriation—State	\$	8,800,000
General Fund Appropriation—Federal	\$	4,200,000
Total Appropriation	\$	13,000,000

The appropriations contained in this subsection shall be expended exclusively for the purpose of upgrading maintenance grant standards by 4.2% for the fiscal year ending June 30, 1977.

(2) Intermediate Care Facilities

General Fund Appropriation—State	\$	239,580
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General Fund Appropriation—Federal	\$	268,004
Total Appropriation	\$	507,584

The appropriations contained in this subsection, or so much thereof as may be necessary, shall be expended exclusively for increases in Intermediate Care facilities vendor rates: PROVIDED, That the average annual rate increase for all vendors combined shall not exceed 7.4% in fiscal year 1976 and 14.6% in fiscal year 1977 and the base to be utilized for the calculation of the rate increase limitations specified herein shall be the final average rate for all vendors combined for fiscal year 1975.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM
Special Projects

General Fund Appropriation—State	\$	114,512
Total Appropriation	\$	114,512

The appropriation contained in this section shall be expended exclusively for funding the Home Builders Program of Tacoma on a one-year, demonstration project basis.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Medical Assistance		
General Fund Appropriation—State	\$	2,770,075
General Fund Appropriation—Federal	\$	2,898,189
Total Appropriation	\$	5,668,264

The appropriations contained in this section shall be subject to the following condition and limitation:

Not more than \$3,168,264 (including \$1,698,189 from federal funds) shall be expended for increases in Skilled Nursing Facility vendor rates: PROVIDED, That the average annual rate increase for all vendors combined shall not exceed 7.4% in fiscal year 1976 and 14.6% in fiscal year 1977 and the base to be utilized for the calculation of the rate increase limitations specified herein shall be the final average rate for all vendors combined for fiscal year 1975: PROVIDED, That the department shall purchase ambulance services or supplies at not less than the lowest regional rate applicable under the Medicare program.

NEW SECTION. Sec. 30. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	137,764
Total Appropriation	\$	137,764

Sec. 31. 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 April 30, 1977, 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 of the general fund appropriation—state moneys

shall be transferred from the department of labor and industries to the public employment relations commission created by such chapter.

NEW SECTION. Sec. 32. 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.

NEW SECTION. Sec. 33. FOR THE MEXICAN AMERICAN AFFAIRS COMMISSION

General Fund Appropriation	\$	15,000
Total Appropriation	\$	15,000

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	151,763
Total Appropriation	\$	151,763

The appropriation 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 \$42,000 shall be expended for interagency reimbursements to the Board of Industrial Insurance Appeals for appeals pursuant to RCW 7.68.110 (Victims of Crimes).
- (2) Not more than \$19,265 shall be expended within the Building and Construction Safety program for contractor registration.
- (3) Not more than \$90,498 shall be expended within the Industrial Relations program.

NEW SECTION. Sec. 35. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation	\$	49,109
Total Appropriation	\$	49,109

The appropriation 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 \$9,000 shall be expended for travel of the board members.
- (2) Not more than \$40,109 shall be expended for rental of office space in the Capitol Center Building.

NEW SECTION. Sec. 36. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation	\$	797,186
Total Appropriation	\$	797,186

The appropriation 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 \$250,000 shall be expended within the Ex-felon Employment program.
- (2) Not more than \$300,000 shall be expended within the Employment Orientation program.
- (3) Not more than \$200,000 shall be expended within the Mentally Retarded Employment program.
- (4) Not more than \$47,186 shall be expended within the General Administration program.

NEW SECTION. Sec. 37. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation	\$	2,000,000
Total Appropriation	\$	2,000,000

The appropriation contained in this section shall be expended exclusively within the Program for Local Service. The program shall be maintained with not more than 23 FTE staff years for the biennium, and there shall be no increase in volunteer stipend rates.

NEW SECTION. Sec. 38. FOR THE OCEANOGRAPHIC COMMISSION

General Fund Appropriation	\$	20,000
Total Appropriation	\$	20,000

The appropriation contained in this section shall be expended exclusively for a grant to the Sea Use Council.

NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation	\$	300,149
Total Appropriation	\$	300,149

The appropriation contained within this section shall be expended exclusively for implementation of chapter 195-10 WAC, State Environmental Protection Act guidelines.

NEW SECTION. Sec. 40. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation	\$	506,395
Total Appropriation	\$	506,395

The appropriation 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 \$38,597 shall be expended for the Administration program.

(2) Not more than \$42,399 shall be expended for the Resources Development program.

(3) Not more than \$415,124 shall be expended for inflationary cost increases in utilities and consumable supplies.

(4) Not more than \$10,275 shall be expended for fire protection contracts.

NEW SECTION. Sec. 41. 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. 42. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation	\$	135,000
Total Appropriation	\$	135,000

The appropriation contained in this section shall be spent exclusively for an operations review to develop workload standards for the Department of Fisheries: PROVIDED, That the standing committees on House Ways and Means and House Natural Resources shall approve the requirements and results of the study.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation	\$	264,701
Total Appropriation	\$	264,701

The appropriation 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 \$14,701 shall be expended for equipment costs.

(2) Not more than \$250,000 shall be expended for spruce budworm epidemic control: PROVIDED, That \$162,540, or a portion thereof, shall not be expended if the thirty-seven thousand two hundred and eighty acres currently being evaluated, or a portion thereof, does not require spraying: AND PROVIDED FURTHER, That up to \$162,490 of cost reimbursement, provided by land owners, shall be reimbursed to the General Fund.

NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation	\$	19,628
Total Appropriation	\$	19,628

The appropriation 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 \$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.

NEW SECTION. Sec. 45. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—Federal	\$	57,830
Total Appropriation	\$	57,830

NEW SECTION. Sec. 46. FOR THE DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation	\$	281,892
General Fund—Professional Engineer's Account Appropriation	\$	34,511
Highway Safety Fund Appropriation	\$	199,661
Motor Vehicle Fund Appropriation	\$	165,316
Total Appropriation	\$	681,380

(1) The general fund appropriation contained in this section shall be expended exclusively to implement the provisions of:

(a) Chapter 280, Laws of 1975 1st ex. sess. (Relating to the operation of massage businesses);

(b) Chapter 171, Laws of 1975 1st ex. sess. (Relating to the practice of medicine);

(c) Chapter 61, Laws of 1975 (Relating to medical disciplinary proceedings);

(d) Chapter 190, Laws of 1975 1st ex. sess. (Relating to physician's assistants);

(e) WAC 308-40-110 (licensing foreign dental graduates).

(2) Not more than \$59,981 of the Highway Safety Fund appropriation shall be expended exclusively to implement chapter 244, Laws of 1975 1st ex. sess. (Relating to criminal procedure).

(3) Not more than \$139,680 of the Highway Safety Fund appropriation and not more than \$159,316 of the Motor Vehicle Fund appropriation shall be expended exclusively for postage increases in the title program and the financial responsibility and driver licensing program.

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.

Sec. 48. 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))
		1,079,372,315
Total Appropriation	\$	((1,073,195,265))
		1,079,372,315

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))~~ (3) It is the intent of the legislature that to the extent that any district receives funds through the state apportionment formula in excess of the amount anticipated by such a district when it established its excess levy for collection in 1976 and when such excess can be utilized to relieve special levy burdens, then such a district should place a first priority on reducing its special levy.

~~((5) The superintendent of public instruction is hereby authorized to direct from the appropriation contained in this section, such funds as may be necessary to grant salary increases for certificated and classified employees funded through categorical programs, but in no event shall such allocation exceed the average salary increase amount authorized for state employees during the 1974-75 fiscal year.~~

~~(6))~~ (4) The weighting schedule used by the superintendent of public instruction during the ~~((1975-77 biennium))~~ 1975-76 program year in computing the apportionment of funds for each school district shall be based on the following factors:

- (a) A base weighting factor of 1.0 for each full time equivalent student enrolled;
- (b) An additional weighting factor of 1.0 for each full time equivalent student enrolled in vocational education in grades 9-12 which is approved by the superintendent of public instruction. The superintendent of public instruction shall report the results of a comprehensive study on vocational education to the standing ways and means committees no later than January 1, 1976. Such study shall document the cost of vocational education presently qualifying for 0.2 support on a sample basis. Such study shall include an examination of the criteria for determining full time equivalents and recommendations for alternative funding procedures and a time line for implementation thereof;
- (c) Continuation of the weighting factors used by the superintendent of public instruction for the purpose of reimbursement to each school district for costs resulting from staff education and experience greater than the minimum requirements. The superintendent of public instruction shall employ the staff characteristic factor of the respective local districts established in each of the immediately preceding school years for purposes of distribution throughout the 1975-77 biennium;
- (d) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for school districts enrolling not more than 250 full time equivalent students in grades 9-12;

- (e) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for nonhigh school districts enrolling not more than 100 full time equivalent students which districts have been judged to be remote and necessary by the state board of education;
- (f) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for small school plants which are judged remote and necessary within any school district by the state board of education;
- (g) An additional weighting factor for a period of not more than four years, for any consolidated school district formed after July 1, 1971, equal to the additional weighting factor in effect in each qualifying district during the school year immediately preceding consolidation, which district consists of one or more former school districts which were either remote and necessary or which contained not more than 250 students in grades 9-12;
- (h) An additional weighting factor of 0.25 for full time equivalent students residing on tax exempt property as set forth in RCW 28A.41.140(6)(b) or (c); and
- (i) An additional weighting factor of 0.25 for full time equivalent students in an approved interdistrict cooperative program as authorized by RCW 28A.41.140(6)(a) and 28A.58.075.

((7)) (5) 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) The superintendent of public instruction shall determine the total apportionment funds available for general distribution during the 1976-77 program year;
- (b) The superintendent of public instruction shall determine each school district's average annual full time equivalent student enrollment and the state-wide total average annual full time equivalent student enrollment for the 1976-77 program year;
- (c) The superintendent of public instruction shall determine the state support per average annual full time equivalent student by dividing the total apportionment funds available for general distribution during the 1976-77 program year by the state-wide total average annual full time equivalent enrollment;
- (d) The superintendent of public instruction shall determine each school district's share of the total apportionment funds available for general distribution by multiplying each district's total average annual full time equivalent student enrollment by the state support per average annual full time equivalent student as determined in subsection (c) of this section;
- (e) The superintendent of public instruction shall distribute to any school district during 1976-77 from state and local funds in support of general apportionment not less than ninety-five percent of the amount received during 1975-76: PROVIDED, That such 1976-77 distribution shall be made on the basis of full time equivalent student enrollment rather than on the basis of per weighted student enrollment.

(6) 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)) (7) 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)) (8) During the ((1975-77 biennium)) 1975-76 program year 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)) 1975-76 program year.

NEW SECTION. Sec. 49. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR DISTRIBUTION FOR SPECIAL LEVY EQUALIZATION

General Fund Appropriation	\$	120,000,000
Total Appropriation	\$	120,000,000

The appropriation contained in this section shall be expended exclusively to carry out the provisions of chapter ... (SHB 1488), Laws of 1975-'76 2nd ex. sess.

NEW SECTION. Sec. 50. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD OF EDUCATION)

General Fund Appropriation	\$	242,531
Total Appropriation	\$	242,531

The appropriation 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 \$76,180 shall be expended to comply with the provisions of chapter 226, Laws of 1975 1st ex. sess. (Relating to education);

(2) Not more than \$41,351 shall be expended for the risk management program;

(3) Not more than \$45,000 shall be expended for the conversion of first class school district financial reports into machine readable form;

(4) Not more than \$60,000 shall be expended to assist second class school districts in subscribing to data processing cooperative services and implementing financial accounting changes;

(5) Not more than \$20,000 shall be expended 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.

The superintendent of public instruction shall reserve the state funds appropriated by this section in an equal amount to any federal funds which are received and which may be expended for these purposes.

NEW SECTION. Sec. 51. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE SMALL DISTRICTS GRANTS PROGRAM

General Fund Appropriation	\$	3,172,950
Total Appropriation	\$	3,172,950

The superintendent of public instruction shall distribute the funds appropriated by this section to those school districts which qualified for additional funds according to the apportionment formula in effect during the 1975-76 school year in the categories of small elementary, small high school, tax exempt property, and interdistrict cooperative programs.

NEW SECTION. Sec. 52. 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. 53. 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 this appropriation to support the driver's safety training program.

NEW SECTION. Sec. 54. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE BASIC SKILLS REMEDIATION PROGRAM

General Fund Appropriation	\$	1,500,000
Total Appropriation	\$	1,500,000

The appropriation 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) The superintendent of public instruction is authorized to expend not more than \$45,000 for the purpose of designing, implementing, and monitoring this program.

(2) The superintendent of public instruction shall distribute an amount not to exceed \$1,500,000 for the purpose of implementing a K-3 remedial teaching program for students who have been identified through appropriate tests as being deficient in the reading, writing, and mathematical basic skills.

(3) The superintendent of public instruction shall request a budget from the 1977 session of the legislature for continuation and expansion of this program during the ensuing biennium.

NEW SECTION. Sec. 55. 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. 56. FOR WESTERN WASHINGTON COLLEGE

General Fund Appropriation	\$	30,200
Total Appropriation	\$	30,200

The appropriation 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 \$25,700 shall be expended within the administration and general expense program for reimbursement of actual unemployment compensation expense.

(2) Not more than \$4,500 shall be expended within the instruction and departmental research program for additional costs associated with a program leading to a bachelor of fine arts degree subject to the review and favorable recommendation by the council for postsecondary education.

NEW SECTION, Sec. 57. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$	18,273
Total Appropriation	\$	18,273

The appropriation contained in this section shall be expended exclusively within the Administration and General Expense program for reimbursement of actual unemployment compensation expense.

NEW SECTION, Sec. 58. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

General Fund Appropriation	\$	323,400
Total Appropriation	\$	323,400

The appropriation contained in this section shall be expended exclusively to provide for workload increases in the Fire Service Training program.

NEW SECTION, Sec. 59. FOR THE STATE LIBRARY

General Fund Appropriation	\$	55,000
Total Appropriation	\$	55,000

The appropriation contained in this section shall be expended exclusively for Radio Talking Books for the Blind.

NEW SECTION, Sec. 60. 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 funding is secured.

NEW SECTION, Sec. 61. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	32,768
Total Appropriation	\$	32,768

The appropriation 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 \$20,000 shall be expended for graphic art.
 (2) Not more than \$12,768 shall be expended for an inventory of museum holdings.

NEW SECTION, Sec. 62. 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—Land Owner Forest Fire Suppression Account Appropriation	\$	833.38
General Fund—Resources Management Cost Account Appropriation	\$	43,687.82

General Fund—Litter Control Account Appropriation	\$	2,836.95
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	\$	1,108.79
Grain and Hay Inspection Fund Appropriation	\$	2,099.74
Highway Safety Fund Appropriation	\$	38.00
Motor Vehicle Fund Appropriation	\$	30,219.27
Public Service Revolving Fund Appropriation	\$	76.20
State Treasurer's Service Fund Appropriation	\$	870.10
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	\$	96,347.31

Sec. 63. 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 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 withhold 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. 64. It is the intent of the legislature that any increased costs of medical malpractice insurance at the University of Washington be met from necessary increases in patient fees and assessments to professional personnel involved in the practice of medicine at the University of Washington.

NEW SECTION. Sec. 65. Section 6, chapter 263, Laws of 1975 1st ex. sess. (uncodified) is hereby repealed.

NEW SECTION. Sec. 66. 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. 67. 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, on line 1 of the title after "AN ACT Relating to" strike the remainder of the title and insert "expenditures by state agencies; adopting a supplemental budget for the fiscal biennium beginning July 1, 1975, and ending June 30, 1977; making appropriations; 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 187, chapter 269, Laws of 1975 1st ex. sess. (uncodified); repealing section 6, chapter 263, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency."

Signed by Representatives Bagnariol, Chairman; Shinpoch, Chairman - Appropriations; Randall, Chairman - Revenue; Bauer, Boldt, Charette, Hawkins, Hurley (George), Hurley (Margaret), Kilbury, May, McKibbin, Moon, Moreau, North, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle, Warnke, Williams.

To Committee on Rules for second reading.

February 10, 1976

ENGROSSED SENATE BILL NO. 2988, Prime Sponsor: Senator Bottiger, 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 after the enacting clause strike the remainder of the bill and insert:

"Section 1. Section 2, chapter 294, Laws of 1959 as last amended by section 2, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.020 are each amended to read as follows:

(1) Every employer shall pay to each of his employees who have reached the age of eighteen years wages at a rate of not less than one dollar and sixty cents per hour except as may be otherwise provided under subsections (2) through (7) of this section or as otherwise provided under this chapter: PROVIDED, That beginning the calendar year 1974, the applicable rate under this section shall be one dollar and eighty cents per hour, and beginning with September 1, 1975 the applicable rate under this section shall be two dollars and ten cents an hour, and beginning the calendar year 1976 the applicable rate under this section shall be two dollars and thirty cents an hour, and beginning the calendar year 1977 the applicable rate under this section shall be two dollars and forty cents an hour, and beginning the calendar year 1978 the applicable rate under this section shall be two dollars and fifty cents an hour.

(2) Any individual eighteen years of age or older, unless exempt under the provisions of (~~section 15(k)(8) of this 1975 amendatory act~~) RCW 49.46.010(5)(k), employed by the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars an hour, and beginning the calendar year 1976 at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977 at a rate of not less than two dollars and thirty cents an hour, and beginning the calendar year 1978 at a rate of not less than two dollars and forty cents an hour, and beginning the calendar year 1979 at a rate of not less than two dollars and fifty cents an hour.

(3) Any individual eighteen years of age or older engaged in performing services in a nursing home licensed pursuant to chapter 18.51 RCW, shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars and ten cents an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977, at a rate of not less than two dollars and thirty cents an hour, and beginning the calendar year 1978 at a rate of not less than two dollars and forty cents an hour, and beginning the calendar year 1979 at a rate of not less than two dollars and fifty cents an hour.

(4) Any individual eighteen years of age or older engaged in performing services in a hospital licensed pursuant to chapter 70.41 RCW, or chapter 71.12 RCW, shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars and ten cents an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977 at a rate of not less than two dollars and thirty cents an hour, and beginning the calendar year 1978 at a rate of not less than two dollars and forty cents an hour, and beginning the calendar year 1979 at a rate of not less than two dollars and fifty cents an hour.

(5) Any individual eighteen years of age or older employed in a retail or service establishment and who is so employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curbside or counter service, to the public, to employees, or to members or guests of members of clubs shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977, at a rate of not less than two dollars and thirty cents an hour, and beginning the calendar year 1978 at a rate of not less than two dollars and forty cents an hour, and beginning the calendar year 1979 at a rate of not less than two dollars and fifty cents an hour.

Sec. 2. Section 3, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.130 are each amended to read as follows:

(1) No employer shall employ any of his employees for a work week longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed, except that the provisions of this subsection (1) shall not apply to any person exempted pursuant to RCW 49.46.010(5) as now or hereafter amended and the provision of this subsection shall not apply to employees who request compensating time off in lieu of overtime pay nor to any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel, nor to seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all state fairs does not exceed fourteen working days a year.

(2) No public agency shall be deemed to have violated subsection (1) of this section with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred and forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he is employed: PROVIDED, That this section shall not apply to any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation

of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (iii) commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption: PROVIDED FURTHER, That in any industry in which federal law provides for an overtime payment based on a work week other than forty hours then provisions of this section shall not apply; however the provisions of the federal law regarding overtime payment based on a work week other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state: PROVIDED FURTHER, That "industry" as that term is used in this section shall mean a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259))."

On page 1, line 1 of the title, after "wages;" strike the rest of the title and insert "amending section 2, chapter 294, Laws of 1959 as last amended by section 2, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.020; and amending section 3, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.130."

Signed by Representatives King, Chairman; McKibbin, Vice Chairman; Clemente, Cochran, Fischer, Parker.

MINORITY recommendation: Do not pass. Signed by Representatives Freeman, Gilleland, Haley, Matthews.

To Committee on Rules for second reading.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, by Committee on Ecology (Originally sponsored by Senators Washington and Wilson - by Parks and Recreation Commission request):

Adding new provisions to laws relating to archaeological resources.

The House resumed consideration of the bill on second reading. (For previous action, see yesterday's Journal.)

Ms. Sommers moved adoption of the following amendment by Representatives Sommers, Hendricks and Hurley (Margaret) to the committee amendment:

On page 2, line 23 after "permits." strike "The director shall consult with the public property owner prior to the issuance of a permit on such lands." and insert "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 amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

On motion of Ms. Sommers, the committee amendment to the title was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Substitute Senate Bill No. 3003 as amended by the House was placed on final passage.

Ms. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 3003 as amended by the House, and the bill passed the House by the following vote: Yeas, 83; nays, 0; not voting, 14.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, May, McCormick, McKibbin, Moon, Newhouse, North, O'Brien, Pardini, Paris, Parker, Polk, Randall, Schumaker, Seeburger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Ceccarelli, Eng, Hanna, Hansen, Maxie, Moreau, Nelson, Osterman, Patterson, Perry, Peterson, Sawyer, Williams, Zimmerman.

Engrossed Substitute Senate Bill No. 3003 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.

REENGROSSED SUBSTITUTE SENATE BILL NO. 2088, by Committee on Natural Resources (Originally sponsored by Senators Talley and Peterson):

Requiring license for smelt dealers.

The bill was read the second time.

Committee on Natural Resources recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-ninth Day, 2nd ex. sess., February 12, 1976.)

On motion of Mr. Martinis, the committee amendments were adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Reengrossed Substitute Senate Bill No. 2088 as amended by the House was placed on final passage.

Mr. Martinis spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Martinis yielded to question by Mr. Haley.

Mr. Haley: "Many residents on the west side of the mountains go to the Cowlitz River and dip smelt. It's quite a hobby for young and old alike and as I read this bill it looks like each of those persons would have to buy a \$10 license to go down and maybe dip once and capture no more than half-dozen smelt. Is that correct?"

Mr. Martinis: "No, that's just a commercial license that we're talking about. This would solve one of the problems that confronts the people that you are alluding to. What happens is that we have these fly-by-night smelt dealers coming in to dip a whole big bunch of smelt or even buy the smelt from people who are dipping for personal use, and they go out and peddle them and the state actually has no way of collecting the tax from them."

Mr. Haley: "This bill states that a personal commercial fishing license shall be obtained by each and every person who takes smelt; so how does that exempt the local resident who wants to go out for fifteen minutes with a long pole and dip up a few?"

Mr. Martinis: "On page 1, line 29, 'A personal commercial fishing license shall be obtained by each and every person who takes or assists in taking Columbia River smelt. . . .' This has to do with the area of commercial fishing licenses. If you would like to hold the bill I could get a more appropriate license, but I can assure you that this bill deals with only the commercial licenses."

Mr. Matthews spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 2088 as amended by the House, and the bill passed the House by the following vote: Yeas, 89; nays, 3; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn.

Voting nay: Representatives Chandler, Haley, Hendricks.

Not voting: Representatives Perry, Randall, Sawyer, Williams, Zimmerman.

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.

SUBSTITUTE SENATE BILL NO. 2635, by Committee on State Government (Originally sponsored by Senators Matson and Rasmussen):

Authorizing the department of personnel to appoint hearing examiners.

The bill was read the second time.

Committee on State Government recommendation: Majority, do pass as amended. (For amendment, see Journal, Thirty-ninth Day, 2nd ex. sess., February 12, 1976.)

On motion of Ms. Sommers, the committee amendment was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 2635 as amended by the House was placed on final passage.

Ms. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 2635 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 0; not voting, 5.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Amen, Perry, Sawyer, Williams, Zimmerman.

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.

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.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3000 was placed on final passage.

Mr. Haussler spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Eikenberry yielded to question by Mr. Greengo.

Mr. Greengo: "Does this bill apply to charter counties?"

Mr. Eikenberry: "Representative Greengo, I do appreciate your asking that question for the record because I would express my opinion of what I believe is the intent of this legislative body—that this very detailed kind of legislation is precisely the kind of thing that does not apply to charter counties and therefore it is within their discretion to post higher rewards if the legislative body of the county deems it appropriate."

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3000, and the bill passed the House by the following vote: Yeas, 88; nays, 1; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Paris, Parker, Patterson, Peterson, Polk, Randall,

Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Whiteside.

Voting nay: Representative Blair.

Not voting: Representatives Newhouse, Pardini, Perry, Sawyer, Sommers, Williams, Wilson, Zimmerman.

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.

ENGROSSED SENATE BILL NO. 3056, by Senators Lewis (R.H.) and Beck:

Waiving instructional requirements for previously qualified election officers.

The bill was read the second time.

Committee on Constitution and Elections recommendation: Majority, do pass as amended. (For amendment, see Journal, Thirty-eighth Day, 2nd ex. sess., February 11, 1976.)

On motion of Mr. Hawkins, the committee amendment was adopted.

MOTION

On motion of Mr. Thompson, further consideration of Engrossed Senate Bill No. 3056 was deferred, and the bill was ordered placed on the calendar following Senate Bill No. 3001.

SENATE BILL NO. 3058, by Senators Day, North and Buffington:

Requiring PKU tests for newborn infants.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3058 was placed on final passage.

Representatives Parker and Haley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3058, and the bill passed the House by the following vote: Yeas, 93; nays, 0; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Perry, Sawyer, Williams, Zimmerman.

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.

ENGROSSED 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.

Committee on Social and Health Services recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-ninth Day, 2nd ex. sess., February 12, 1976.)

Mr. Parker moved adoption of the committee amendments.

Representatives Parker and Greengo spoke in favor of the amendments, and they were adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3066 as amended by the House was placed on final passage.

Mr. Parker spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Parker yielded to question by Mrs. Hurley (Margaret).

Mrs. Hurley: "What is the reasonable effort that's mentioned in the committee amendment? What does the RCW relate to?"

Mr. Parker: "The RCW relates to the Anatomical Gift Act which we previously passed through this legislature. The reasonable effort provisions are pretty well spelled out to the coroner in terms of making it clear that the coroner and the medical examiner are already required by law to make a reasonable effort to find the next of kin, and to my knowledge, they are doing that in all cases now. This just explains that in the bill very specifically."

Mr. Haley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3066 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 0; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Deccio, Perry, Sawyer, Williams, Zimmerman.

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.

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.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3067 was placed on final passage.

Mr. Seeberger spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Seeberger yielded to question by Mr. Hurley (George).

Mr. Hurley: "Representative Seeberger, I just want to know what would happen to a person whose license expired and who had to drive in an emergency. For example, my wife had broken her ankle and it was prior to the time she had taken her driver's license exam and she hadn't been able to do it until her ankle recovers. If she were driving with me and I, for some reason, couldn't drive, if she drove the car and was stopped, would she be guilty of a misdemeanor or a crime of some kind because she didn't have a valid license? Does the judge have discretion to dismiss that?"

Mr. Seeberger: "This bill doesn't really address that. She would be subject to the penalties for a person driving without a license, but this bill deals with people who have had their license suspended or revoked, so this bill doesn't directly address that problem. In answer to your other question, the judge would always have the power to suspend the penalty or to throw the case out."

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3067, and the bill passed the House by the following vote: Yeas, 90; nays, 0; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansey, Haussler, Hawkins, Hayner,

Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Deccio, Haley, Hansen, Perry, Sawyer, Williams, Zimmerman.

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.

SENATE BILL NO. 3076, by Senators Van Hollebeke and Scott:

Increasing statutory attorney's fees.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3076 was placed on final passage.

Mr. Knowles spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3076, and the bill passed the House by the following vote: Yeas, 83; nays, 6; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hanna, Hansey, Hawkins, Hayner, Hendricks, Hurley M., Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn.

Voting nay: Representatives Becker, Bender, Charette, Eikenberry, Gaspard, Hurley G. S.

Not voting: Representatives Hansen, Haussler, Jastad, Pardini, Perry, Sawyer, Williams, Zimmerman.

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.

STATEMENT FOR THE JOURNAL

I wish to be recorded as voting "No" on Senate Bill No. 3076.

LORRAINE WOJAHN, 27th District.

ENGROSSED SENATE BILL NO. 3094, by Senators Wilson, Walgren, North, McDermott, Bluechel, Jolly and Morrison:

Establishing the Washington library network.

The bill was read the second time.

Committee on Local Government recommendation: Majority, do pass as amended. (For amendment, see Journal, Thirty-ninth Day, 2nd ex. sess., February 12, 1976.)

On motion of Mr. Douthwaite the committee amendment was adopted.

Mr. Charnley moved that the rules be suspended, the second reading considered the third, and Engrossed Senate Bill No. 3094 as amended by the House be placed on final passage.

Mr. Shinpoch spoke in favor of the motion, and Mr. Kuehnle spoke against it.

The motion was carried.

Mr. Douthwaite spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3094 as amended by the House, and the bill passed the House by the following vote: Yeas, 88; nays, 1; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansey, Haussler, Hawkins,

Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn.

Voting nay: Representative Kuehnle.

Not voting: Representatives Boldt, Hansen, Perry, Polk, Sawyer, Sommers, Williams, Zimmerman.

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.

STATEMENT FOR THE JOURNAL

I intended to vote "Yes" on Engrossed Senate Bill No. 3094.

JIM BOLDT, 8th District.

SENATE BILL NO. 3138, by 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.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3138 was placed on final passage.

Representatives Bauer and Hendricks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3138, and the bill passed the House by the following vote: Yeas, 89; nays, 1; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Tilly, Valle, Warnke, Whiteside, Wojahn.

Voting nay: Representative Hayner.

Not voting: Representatives Bender, Perry, Sawyer, Thompson, Williams, Wilson, Zimmerman.

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.

POINT OF PERSONAL PRIVILEGE

Mr. Barnes: "I'm very pleased to announce what I feel is something of historical significance, and which will be of interest to all of you because it involves one of our former pages. Just one year ago today, Miss Kay Holland was here serving as a page on this floor under my sponsorship. This morning it was announced in the newspaper that she is one of a group of four women to be given appointments to the United States Air Force Academy. I'm very happy that in my former position as Academy Admissions Counselor I was able to guide her, and because of my admiration of her I gave my full recommendation. As a former confirmed chauvinist, I'm very happy that the women's liberation movement is finally getting off to a flying start."

SUBSTITUTE SENATE BILL NO. 3001, by Committee on Local Government (Originally sponsored by Senator Odegaard):

Adding retired members to the firemen's relief and pension boards.

The bill was read the second time.

Mr. Conner moved adoption of the following amendment:

On page 3, line 13 after "labor." insert a new section to read as follows:

"NEW SECTION. Sec. 3. That in any event, regardless of other law providing, if the rank held by a fireman at the time of his disability retirement is thereafter abolished so as to eliminate the salary base

upon which his disability allowance is to be computed as provided for in this section, the disability allowance which such fireman is receiving shall thereafter be adjusted annually on the basis of cost of living adjustments in the manner provided for in RCW 41.18.104."

Renumber the remaining sections consecutively.

Mr. Conner spoke in favor of the amendment.

POINT OF ORDER

Mr. Blair: "I would like to request a ruling on the scope and object of this amendment. I challenge the amendment. It would appear it is necessary to go into a slightly different section of the RCW in order to accomplish this."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Blair, Reed's Rule 112—the time for making these objections, states as follows, referring to the prior section, 'Both these objections to present action must be presented before consideration has been entered upon. After debate has begun or other action has been taken it is too late.' So, in this instance, Representative Conner has moved the adoption of the amendment, has discussed it, made a speech on behalf of it, before you raised the question on a point of order whether or not it is germane to the main question. I'm going to leave the germaneness of it up to the House to discuss because your objection just wasn't made in a timely manner."

Mr. Newhouse spoke against adoption of the amendment.

POINT OF ORDER

Mr. Blair "I believe Rule 26 indicates that a two-thirds vote is required to adopt any amendment to a pension bill. Rule 26, subsection (c) 'No floor amendments may be approved except on a vote of two-thirds of the members present. . .'"

With the consent of the House, Mr. Conner withdrew the amendment.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 3001 was placed on final passage.

Mr. Haussler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3001, and the bill passed the House by the following vote: Yeas, 87; nays, 3; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn.

Voting nay: Representatives Blair, Dunlap, Greengo.

Not voting: Representatives Erickson, Gaines, Paris, Perry, Sawyer, Williams, Zimmerman.

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.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Perry, Sawyer, Seeberger and Zimmerman who were excused.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 12, 1976

ENGROSSED SENATE BILL NO. 3070, Prime Sponsor: Senator Guess, revising the fee structure for motor vehicle tonnage licenses. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Barnes, Berentson, Bond, Ceccarelli, Clemente, Conner, Dunlap, Gaines, Gilleland, Hansen, Hayner, Kalich, Laughlin, McCormick, Patterson.

To Committee on Rules for second reading.

February 13, 1976

ENGROSSED SENATE BILL NO. 3116, Prime Sponsor: Senator Francis, making changes in the laws relating to incorrigible children. Reported by Committee on Judiciary.

MAJORITY recommendation: Do pass with the following amendments:

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."

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."

Signed by Representatives Knowles, Chairman; Seeberger, Subcommittee Chairman; Smith (Rick), Subcommittee Chairman; Eikenberry, Gaspard, Hanna, Hayner, Maxie, Sherman.

To Committee on Rules for second reading.

February 12, 1976

SUBSTITUTE SENATE BILL NO. 3274, Prime Sponsor: Senator Walgren, authorizing toll bridge authority to guarantee payment of bond for public facilities reasonably related to improvement of ferry systems. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Barnes, Bender, Berentson, Bond, Charnley, Gaines, Gilleland, Hansen, Hayner, Laughlin, Leckenby, Lee, McCormick, Schumaker, Seeberger, Sherman.

To Committee on Rules for second reading.

SECOND READING

ENGROSSED SENATE BILL NO. 3056:

The House resumed consideration of the bill on second reading.

On motion of Mr. Hawkins the following amendment to the title was adopted:

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 motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3056 as amended by the House was placed on final passage.

Mr. Hawkins spoke in favor of passage of the bill, and Mr. Blair spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3056 as amended by the House, and the bill passed the House by the following vote: Yeas, 51; nays, 35; not voting, 11.

Voting yea: Representatives Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Hanna, Hansen, Hawkins, Hurley G. S., Hurley M., Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, North, O'Brien, Parker, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams.

Voting nay: Representatives Amen, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Eikenberry, Flanagan, Gallagher, Gilleland, Greengo, Haley, Hansey, Haussler, Hayner, Jastad, Juelling, Kuehnle, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Adams, Barnes, Dunlap, Freeman, Hendricks, Leckenby, Moreau, Osterman, Perry, Sawyer, Zimmerman.

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.

STATEMENT FOR THE JOURNAL

Please show our votes as "No" on Engrossed Senate Bill No. 3056.

RON DUNLAP, 41st District.
KEMPER FREEMAN, 48th District.

SECOND REENGROSSED SUBSTITUTE SENATE BILL NO. 2424, by Committee on Ecology (Originally sponsored by Senators Walgren, Washington and Lewis, R.H.):

Coordinating public water supply system planning.

The bill was read the second time.

Committee on Ecology recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-ninth Day, 2nd ex. sess., February 12, 1976.)

Mr. Douthwaite moved adoption of the committee amendment to page 3, line 22.

Representatives Douthwaite and Valle spoke in favor of the amendment, and Mr. Eikenberry spoke against it.

Mr. Curtis demanded an electric roll call and the demand was sustained.

Representatives Kuehnle, Douthwaite and Chandler spoke in favor of the committee amendment, and Representatives Parker and Wilson spoke against it.

On motion of Mr. Charette, further consideration of the bill was deferred, and the bill was ordered placed at the bottom of today's second reading calendar.

ENGROSSED 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.

Committee on State Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-eighth Day, 2nd ex. sess., February 11, 1976.)

On motion of Ms. Sommers, the committee amendments were adopted.

Mr. Kuehnle moved adoption of the following amendment:

On page 2, section 2, line 19 following "state:" and before "PROVIDED" on line 20 insert "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:"

Representatives Kuehnle and Sommers spoke in favor of the amendment, and Mr. Curtis spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kuehnle to Engrossed Senate Bill No. 2060, and the amendment was adopted by the following vote: Yeas, 48; nays, 40; not voting, 9.

Voting yea: Representatives Amen, Barnes, Bauer, Bausch, Berentson, Bond, Charette, Cochrane, Dunlap, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gaspard, Gilleland, Hansen, Hawkins, Hayner, Hurley G. S., Hurley M., Kalich, Kilbury, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Matthews, Maxie, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Polk, Schumaker, Smith E. P., Sommers, Thompson, Warnke, Williams, Wilson, Wojahn.

Voting nay: Representatives Bagnariol, Bender, Blair, Brown, Ceccarelli, Chandler, Charnley, Clemente, Conner, Curtis, Deccio, Douthwaite, Ehlers, Flanagan, Gallagher, Greengo, Hansey, Haussler, Hendricks, Jastad, Jueling, King, Knowles, Lee, Martinis, May, Moon, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Randall, Sherman, Shinpoch, Smith R., Tilly, Valle, Whiteside.

Not voting: Representatives Adams, Becker, Boldt, Haley, Hanna, Perry, Sawyer, Seeberger, Zimmerman.

On motion of Mr. Kuehnle, the following amendment was adopted:

On page 13, line 11 after "indirectly, a" and before "financial" insert "personal"

Mr. Kuehnle moved adoption of the following amendment:

On page 13, line 12 after "accept any" and before "gift" insert "personal"

Representatives Kuehnle and Nelson spoke in favor of the amendment, and Representatives Charette and Douthwaite spoke against it.

Mr. Kuehnle spoke again in favor of the amendment, and Mr. Charette again spoke against it.

The amendment was not adopted.

On motion of Mr. Leckenby, the following amendments by Representatives Leckenby and Sommers were adopted:

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 motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 2060 as amended by the House was placed on final passage.

Ms. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 2060 as amended by the House, and the bill passed the House by the following vote: Yeas, 86; nays, 7; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn.

Voting nay: Representatives Bond, Ehlers, Erickson, Gilleland, Kuehne, Nelson, Schumaker.

Not voting: Representatives Perry, Sawyer, Seeberger, Zimmerman.

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.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 13, 1976

HOUSE BILL NO. 1166, Prime Sponsor: Representative Randall, relating to revenue and taxation. Reported by Committee on Ways and Means -Revenue.

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 84.56.010, chapter 15, Laws of 1961 as amended by 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)) first day of ((February)) March following.

Sec. 2. Section 84.56.070, chapter 15, Laws of 1961 and RCW 84.56.070 are each amended to read as follows:

On the ((fifteenth)) first 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 distrain sufficient goods and chattels to pay the same.

NEW SECTION. Sec. 3. This 1976 amendatory act shall be effective with respect to 1976 collections of all real and personal property taxes, and shall expire on December 31, 1976.

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."

In line 1 of the title, before the period, insert "; amending section 84.56.010, chapter 15, Laws of 1961 as amended by section 2, chapter 7, Laws of 1965 ex. sess. and RCW 84.56.010; amending section 84.56.070, chapter 15, Laws of 1961 and RCW 84.56.070; providing an expiration date; and declaring an emergency"

Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Hurley (George), Kilbury, Moreau, Nelson, Newhouse, Pardini, Sommers.

MOTION

On motion of Mr. Thompson, the rules were suspended and House Bill No. 1166 was advanced to second reading and read the second time in full.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

Mr. Pardini demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Brown, Kalich, Perry, Sawyer, Seeberger and Zimmerman.

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the call of the House.

HOUSE BILL NO. 1166:

The House resumed consideration of House Bill No. 1166 on second reading.

On motion of Mr. Randall, the committee amendments were adopted.

House Bill No. 1166 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1166 was placed on final passage.

Representatives Randall, Pardini and Sommers spoke in favor of passage of the bill, and Mr. Charette spoke against it.

Representative Kalich appeared at the bar of the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1166, and the bill passed the House by the following vote: Yeas, 65; nays, 27; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Becker, Berentson, Blair, Boldt, Bond, Ceccarelli, Chandler, Charnley, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Fischer, Flanagan, Freeman, Gilleland, Greengo, Haley, Hanna, Hansey, Hayner, Hendricks, Hurley G. S., Jueling, Kilbury, King, Knowles, Kuehne, Leckenby, Lee, Lux, Matthews, Maxie, McKibbin, Moreau, Nelson, Newhouse, O'Brien, Osterman, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson.

Voting nay: Representatives Bausch, Bender, Charette, Clemente, Ehlers, Eng, Erickson, Fortson, Gaines, Gallagher, Gaspard, Hansen, Haussler, Hawkins, Hurley M., Jastad, Kalich, Laughlin, Lysen, Martinis, May, McCormick, Moon, North, Parker, Williams, Wojahn.

Not voting: Representatives Brown, Perry, Sawyer, Seeberger, Zimmerman.

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.

MOTION

On motion of Mr. Charnley, Engrossed House Bill No. 1166 was ordered transmitted immediately to the Senate.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2243, by Committee on Judiciary (Originally sponsored by Senators North and Francis - by Uniform Law Commission request):

Revising laws of filiation proceedings and enacting the Uniform Parentage Act.

The bill was read the second time.

Committee on Judiciary recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-ninth Day, 2nd ex. sess., February 12, 1976.)

Mr. Smith (Rick) moved adoption of the committee amendment.

Representatives Smith (Rick) and Eikenberry spoke in favor of the committee amendment, and it was adopted.

On motion of Mr. Smith (Rick), the committee amendment to the title was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Substitute Senate Bill No. 2243 as amended by the House was placed on final passage.

Mr. Smith (Rick) spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 2243 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 0; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn.

Not voting: Representatives Brown, Perry, Sawyer, Seeberger, Zimmerman.

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.

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 second time.

Committee on Ecology recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-eighth Day, 2nd ex. sess., February 11, 1976.)

Mrs. Valle moved adoption of the committee amendment to page 3, adding a new section 4.

Mr. Charnley moved adoption of the following amendment to the committee amendment:

On line 6 of the new section 4 after "which qualifies" insert "as being tax exempt" and on line 8 after "Code)" strike "as being tax exempt" and insert "as it exists"

Mr. Charnley spoke in favor of the amendment to the committee amendment.

POINT OF INQUIRY

Mr. Charnley yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "I'm having a little trouble following the language and my concern is this: As the language was written it appears to address the possibilities of creating a phony nature conservancy nonprofit organization of some sort and I am concerned that—I just want to be

assured, I guess, that if we adopt your language we still can prevent that from happening. I envision as I read this bill that it's possible, as in the case of creating a phony religious organization. You could do all these good things—set it up for nonprofit purposes and then you can get the mineral rights, avoid taxation, saw down the trees—you could do all kinds of good things just so you don't show up with a profit at the end of the year. I guess I want your assurance, Representative Charnley, that we've closed the door as tightly as possible on that."

Mr. Charnley: "That is exactly the intent as you have stated it, that we make this as tight as possible. It would not be possible to create the phony corporation you have suggested. This is the reason for the original amendment from the Senate that Senators Mardesich and Bottiger proposed. The language, as it was written though, did not apply the words 'being tax exempt' in the proper places, so my amendment simply makes it clear, but I assure you personally and professionally that this is the intent of the amendment here and what we are trying to achieve."

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

On motion of Mr. Thompson, Mr. Randall was excused from the Call of the House.

On motion of Mrs. Valle, the remainder of the committee amendments were all adopted.

Mr. Brown appeared at the bar of the House.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 2660 as amended by the House was placed on final passage.

Mr. Charnley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 2660 as amended by the House, and the bill passed the House by the following vote: Yeas, 87; nays, 5; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn.

Voting nay: Representatives Bond, Flanagan, Gallagher, Matthews, Schumaker.

Not voting: Representatives Perry, Randall, Sawyer, Seeberger, Zimmerman.

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.

SECOND REENGROSSED SUBSTITUTE SENATE BILL NO. 2424:

The House resumed consideration of the bill on second reading.

The Speaker stated the question before the House to be the amendment by the Committee on Ecology to page 3, line 22.

Representatives Valle and Haley spoke in favor of the amendment, and Representatives Eikenberry, Parker and Hurley (George) spoke against it.

Mr. Newhouse demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the committee amendment to Second Reengrossed Substitute Senate Bill No. 2424, and the amendment was not adopted by the following vote: Yeas, 24; nays, 68; not voting, 5.

Voting yea: Representatives Bagnariol, Barnes, Becker, Bender, Blair, Brown, Ceccarelli, Chandler, Charette, Charnley, Douthwaite, Eng, Greengo, Haley, Hawkins, King, Knowles, McKibbin, Moon, O'Brien, Shinpoch, Sommers, Thompson, Valle.

Voting nay: Representatives Adams, Amen, Bauer, Bausch, Berentson, Boldt, Bond, Clemente, Cochran, Conner, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Hanna, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, Moreau, Nelson, Newhouse, North, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Sherman, Smith E. P., Smith R., Tilly, Warnke, Whiteside, Williams, Wilson, Wojahn.

Not voting: Representatives Perry, Randall, Sawyer, Seeberger, Zimmerman.

On motion of Mrs. Valle, the committee amendment to page 3, line 30 was adopted.

Mrs. Valle moved adoption of the committee amendment to page 4, line 25.

Mr. Kuehnle moved adoption of the following amendment to the committee amendment:

On the third line after "supply system" strike the balance of the sentence.

Representatives Kuehnle and Valle spoke in favor of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

On motion of Mrs. Valle, the committee amendment to page 4, line 33 was adopted.

On motion of Mr. Haley, the following amendment was adopted:

On page 4, line 30 after "listing," strike "except for chlorination,"

Mr. Hansen moved adoption of the following amendment by Representatives Hansen, Flanagan, Boldt, Deccio and Kilbury:

On page 7, line 8 after "affected." insert new sections as follows:

NEW SECTION. Sec. 14. The department of ecology shall, at the time of filing with the code reviser any rule adopted by the department pursuant to or implementing RCW 90.54.040 and RCW 90.54.050, transmit copies of the newly adopted rule to the president of the senate and speaker of the house of representatives. Notwithstanding the provisions of RCW 34.04.040(2), no rule so transmitted by the department of ecology shall become effective until approved by the legislature. If the legislature does not take action either approving or disapproving a rule prior to the end of the first regular or special session after receipt of a rule from the department, the rule shall be deemed approved by the legislature as of the last day of the session and shall take effect thirty days after last said day.

NEW SECTION. Sec. 15. If the legislature resolves that any existing rule or rules adopted pursuant to or implementing RCW 90.54.040 and 90.54.050 as now or hereafter amended, are inconsistent with the provisions of this chapter, such rule or rules shall be void and have no force or effect. The code reviser shall be notified by the department of any such resolution by the legislature."

Reumber the remaining sections consecutively.

POINT OF ORDER

Mr. Thompson: "Mr. Speaker, I question whether this amendment falls within the scope and object of this measure."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "It appears that the floor amendment doesn't actually come within the scope of the bill, which deals with the Department of Social and Health Services, to water rights in relation to utilities. The Speaker is going to rule that the amendment isn't germane. The bill pertains to the State Board of Health, the amendment pertains to the Department of Ecology and requires any rules and regulations adopted by the Department of Ecology would have to be transmitted to the President of the Senate and the Speaker of the House of Representatives. It appears to differ relative to water resources, and according to Rule 33 isn't germane to the subject matter we're now considering. The Speaker rules the amendment out of order."

Mr. Charnley moved that the rules be suspended, the second reading considered the third, and Second Reengrossed Substitute Senate Bill No. 2424 as amended by the House be placed on final passage.

Mrs. North spoke against the motion.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place Second Reengrossed Substitute Senate Bill No. 2424 on final passage, and the motion received the necessary two-thirds majority, by the following vote: Yeas, 63; nays, 29; not voting, 5.

Voting yea: Representatives Adams, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charnley, Clemente, Cochrane, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansey, Hawkins, Hayner, Hendricks, Hurley G. S., Knowles, Kuehnle, Leckenby, Lee, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, Newhouse, O'Brien, Osterman, Pardini, Paris, Peterson, Polk, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wojahn.

Voting nay: Representatives Amen, Bagnariol, Bausch, Ceccarelli, Charette, Conner, Deccio, Fischer, Flanagan, Fortson, Gaines, Hansen, Haussler, Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Laughlin, Martinis, Matthews, McCormick, Nelson, North, Parker, Patterson, Warnke, Wilson.

Not voting: Representatives Perry, Randall, Sawyer, Seeberger, Zimmerman.

The Speaker Pro Tem stated the question before the House to be final passage of Second Reengrossed Substitute Senate Bill No. 2424 as amended by the House.

Representatives Douthwaite and Valle spoke in favor of the bill, and Mrs. North spoke against it.

POINT OF INQUIRY

Mrs. Valle yielded to question by Mrs. Hurley (Margaret).

Mrs. Hurley: "You said one of the commissioners of Spokane County testified for it; was there also testimony from the City of Spokane? How did they testify?"

Mrs. Valle: "I can't recall that there was testimony as far as the City of Spokane was concerned. I received a letter, and it was my understanding that County Commissioner Kopet has been in the vicinity lobbying for the bill and speaking for it to individual members, but I can't recall that we had testimony from the City of Spokane. The Association of Washington Cities spoke for it; in fact, I have a list here, if I can find it."

Mrs. Hurley: "I can clarify that for you. I understand the City of Spokane spoke against it."

Mrs. Valle: "I'm not aware of that, and I don't recall it."

Mrs. Valle spoke in favor of passage of the bill, and Representatives Deccio and North spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Second Reengrossed Substitute Senate Bill No. 2424 as amended by the House, and the bill failed to pass the House by the following vote: Yeas, 49; nays, 43; not voting, 5.

Voting yea: Representatives Adams, Bauer, Becker, Bender, Berentson, Blair, Boldt, Brown, Chandler, Charnley, Cochrane, Curtis, Douthwaite, Dunlap, Eng, Erickson, Freeman, Gaspard, Gilleland, Haley, Hanna, Hansey, Hawkins, Hurley G. S., Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Maxie, McKibbin, Moon, Moreau, Newhouse, O'Brien, Osterman, Pardini, Paris, Parker, Peterson, Polk, Shipoch, Smith R., Sommers, Thompson, Tilly, Valle, Williams.

Voting nay: Representatives Amen, Bagnariol, Barnes, Bausch, Bond, Ceccarelli, Charette, Clemente, Conner, Deccio, Ehlers, Eikenberry, Fischer, Flanagan, Fortson, Gaines, Gallagher, Greengo, Hansen, Haussler, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Lee, Lysen, Martinis, Matthews, May, McCormick, Nelson, North, Osterman, Patterson, Schumaker, Sherman, Smith E. P., Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Perry, Randall, Sawyer, Seeberger, Zimmerman.

Second Reengrossed Substitute Senate Bill No. 2424 as amended by the House, having failed to receive the constitutional majority, was declared lost.

MOTIONS

Mr. Berentson moved that the House immediately proceed to the business of electing a Speaker.

Mr. Thompson moved that the motion by Representative Berentson be laid on the table.

Mr. Curtis demanded an electric roll call on the motion to lay Representative Berentson's motion on the table, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to lay Representative Berentson's motion on the table, and the Berentson motion was tabled by the following vote: Yeas, 47; nays, 45; not voting, 5.

Voting yea: Representatives Bagnariol, Bauer, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Moreau, O'Brien, Osterman, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Adams, Amen, Barnes, Bausch, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Jueling, Kalich, Kuehnle, Leckenby, Lee, Matthews, McCormick, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson.

Not voting: Representatives Perry, Randall, Sawyer, Seeberger, Zimmerman.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House recessed until 6:00 p.m.

—————
EVENING SESSION
—————

The House was called to order at 6:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Amen, Becker, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Conner, Curtis, Deccio, Douthwaite, Fischer, Flanagan, Fortson, Gaspard, Haley, Hanna, Hayner, Hendricks, Jastad, Jueling, Kalich, Knowles, Kuehnle, Laughlin, Lee, Lysen, Matthews, Osterman, Paris, Parker, Perry, Peterson, Sawyer, Schumaker, Seeberger, Sherman, Smith R., Tilly, Whiteside, Wilson and Zimmerman, who were excused.

MESSAGE FROM THE SENATE

February 13, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1166,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

HOUSE BILL NO. 1166.

NOTICE OF RECONSIDERATION

Mr. Clemente, having voted on the prevailing side, served notice that he would, on the next working day, move for reconsideration of the vote by which Second Reengrossed Substitute Senate Bill No. 2424 as amended by the House failed to pass the House.

MOTION

On motion of Mr. Thompson, the House recessed until 10:00 a.m. Monday, February 16, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FORTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, February 16, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bond and Perry. Representative Perry was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Laurie Lindstrom and Ron Major. Prayer was offered by the Reverend Frank L. Accardy of Emmanuel Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

February 13, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 3257,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

ENGROSSED 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.

To Committee on Ways and Means - Appropriations

REPORTS OF STANDING COMMITTEES

February 12, 1976

HOUSE BILL NO. 1379, Prime Sponsor: Representative Kilbury, providing for distribution of taxes levied on certain nuclear powered electric generating facilities. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Hawkins, Hurley (George), Kilbury, Moon, Moreau, Sommers, Williams.

To Committee on Rules for second reading.

February 12, 1976

HOUSE BILL NO. 1488, Prime Sponsor: Representative Erickson, reforming school excess levy collections and providing state supplemental payments. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Bagnariol, Hawkins, Hurley (George), Hurley (Margaret), Kilbury, Moreau, Sommers.

To Committee on Rules for second reading.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Adams, Bond, Hansen and Perry. Representatives Adams, Hansen and Perry were excused.

MESSAGES FROM THE SENATE

February 12, 1976

Mr. Speaker:

The Senate has passed:

REENGROSSED HOUSE BILL NO. 671,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

February 13, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 70,
 ENGROSSED HOUSE BILL NO. 425,
 SUBSTITUTE HOUSE BILL NO. 676,
 ENGROSSED HOUSE BILL NO. 739,
 ENGROSSED 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.

Bill Gleason, Assistant Secretary.

February 16, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1166,
 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.

Sidney R. Snyder, Secretary.

MESSAGE FROM THE GOVERNOR

February 16, 1976

TO THE HONORABLE,
 THE HOUSE OF REPRESENTATIVES
 OF THE STATE OF WASHINGTON
 Ladies and Gentlemen:

I have the honor to advise that on February 16, 1976, Governor Evans approved the following House Bill, entitled:

HOUSE BILL NO. 1166: Relating to revenue and taxation.

Sincerely,
CHI-DOOH LI, Legal Counsel,

SENATE AMENDMENTS TO HOUSE BILL

February 13, 1976

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 455 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. and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Thompson moved that the House do concur in the Senate amendment to Substitute House Bill No. 455.

Mr. Thompson spoke in favor of the motion.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Hansey.

Mr. Hansey: "The Senate struck section 2 which was amending Laws of 1965, RCW 43.99.070, but they didn't change the title to strike that. Would that cause any difficulty?"

Mr. Thompson: "Not according to my advice from the Legislative Budget Committee staff members, who are the technicians on this bill."

Mr. Randall spoke against the motion to concur in the amendments.

MOTION

On motion of Mr. Thompson, further consideration of Substitute House Bill No. 455 was deferred until tomorrow.

SPEAKER'S PRIVILEGE

The Speaker recognized within the House Chamber, members of the Rainier District Pow Wow, and requested Representatives Lux, Maxie and Eng to escort them to the rostrum.

The Speaker introduced Princesses Meggy Bartell and Frances Flor and Queen Sylvia Kato. Queen Sylvia addressed the House briefly, inviting the members to attend the Seattle Seafair.

The Speaker requested the committee to escort the guests from the House Chamber.

SENATE AMENDMENTS TO HOUSE BILL

February 13, 1976

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 769 with the following amendments:

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 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,"

On page 2, line 3 after "is" strike "one hundred" and insert "seventy-five"

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 geographical 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".

and the same is herewith transmitted. Sidney R. Snyder, Secretary.

MOTION

Mr. Warnke moved that the House do not concur in the Senate amendments and ask the Senate to recede therefrom.

POINT OF INQUIRY

Mr. Warnke yielded to question by Mr. Newhouse.

Mr. Newhouse: "Do you object to some of the sections that are now in this bill? I find that they are the same concept as in another bill that passed your committee."

Mr. Warnke: "I think you'll find, Representative Newhouse, that it's three bills written in here and some of the language of the three bills was left out. The Senate has done their usual job of taking a title and writing three bills on it, taking only those portions they like and if the bill is going to be rewritten, three bills into one, I think that should be done between the two houses, not by one body."

MOTION

Mr. Newhouse moved that the House do concur in the Senate amendments to Substitute House Bill No. 769.

Representatives Newhouse and Kuehnle spoke in favor of the motion, and Mr. Warnke spoke against it.

Mr. Newhouse again spoke in favor of the motion to concur.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Substitute House Bill No. 769, and the motion was carried by the following vote: Yeas, 46; nays, 45; not voting, 6.

Voting yea: Representatives Amen, Becker, Berentson, Blair, Boldt, Brown, Chandler, Cochrane, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Flanagan, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Juelling, Kalich, Kuehnle, Leckenby, Lee, Matthews, McCormick, Moreau, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Sawyer, Schumaker, Seeberger, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Bender, Ceccarelli, Charette, Charnley, Clemente, Conner, Douthwaite, Eng, Erickson, Fischer, Fortson, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, North, O'Brien, Osterman, Parker, Randall, Sherman, Shinpoch, Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Adams, Barnes, Bond, Hansen, Perry, Smith E. P.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Substitute House Bill No. 769 as amended by the Senate.

Mr. Charette spoke against passage of the bill.

MOTION

On motion of Mr. Thompson, further consideration of Substitute House Bill No. 769 as amended by the Senate was deferred until tomorrow.

SENATE AMENDMENTS TO HOUSE BILL

February 13, 1976

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 802 with the following amendments:

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;"

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.

Remember the remaining sections consecutively.
and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

Mr. Shinpoch moved that the House do concur in the Senate amendments to Substitute House Bill No. 802.

Representatives Shinpoch and Nelson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be the final passage of Substitute House Bill No. 802 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 802 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; nays, 1; not voting, 9.

Voting yea: Representatives Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Eikenberry.

Not voting: Representatives Adams, Barnes, Bond, Clemente, Hansen, Hurley G. S., Perry, Sawyer, Whiteside.

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.

SENATE AMENDMENTS TO HOUSE BILL

February 13, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1344 with the following amendments:

In line 1 of the title after "adding" and before "to" strike "a new section" and insert "new sections"

On page 1, line 9 after "14.08.120" and before "shall" strike "(2)"

On page 1, line 11 after "code" insert "on its facility"

On page 1, line 24 insert a new paragraph as follow:

"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."

Remember the remaining section consecutively.

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Ms. Cochrane, the House concurred in the Senate amendments to Engrossed House Bill No. 1344.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Bill No. 1344 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1344 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; nays, 6; not voting, 9.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gaspard, Gilleland, Haley, Hanna, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Peterson, Polk, Sawyer, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Curtis, Eikenberry, Flanagan, Gallagher, Greengo, Hurley G. S.*

Not voting: Representatives Adams, Bond, Ehlers, Hansen, Matthews, Parker, Perry, Randall, Seeberger.

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.

SENATE AMENDMENTS TO HOUSE BILL

February 13, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1434 with the following 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"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Charnley, the House concurred in the Senate amendments to Engrossed House Bill No. 1434.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Bill No. 1434 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1434 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; nays, 5; not voting, 6.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Becker, Charette, Deccio, Moon, Sommers.

Not voting: Representatives Adams, Bausch, Bond, Hansen, Matthews, Perry.

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.

SENATE AMENDMENTS TO HOUSE BILL

February 13, 1976

Mr. Speaker:

The Senate has passed REENGROSSED HOUSE BILL NO. 971 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 lessees 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 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) "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 agreement; 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 prepaid 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 effective 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 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. 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;" and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Randall, the House refused to concur in the Senate amendments to Reengrossed House Bill No. 971 and asked the Senate to recede therefrom.

SECOND READING

HOUSE BILL NO. 1624, by Representatives Bagnariol and Shinpoch:

Relating to appropriations.

The bill was read the second time.

Committee on Ways and Means recommendation: Majority, do pass as amended. (For amendment, see Journal, Fortieth Day, 2nd ex. sess., February 13, 1976.)

Mr. Bagnariol moved adoption of the committee amendment.

On motion of Mr. Shinpoch, the following amendments by Representatives Shinpoch and Newhouse to the committee amendment were adopted:

On page 4, line 33 strike all of section 8.

On page 6, line 23 strike all of section 9.

Remember the remaining sections consecutively.

On motion of Mr. Shinpoch, the following amendments to the committee amendment were adopted:

On page 11, strike section 21 and renumber the remaining sections consecutively.

On page 14, after line 8 insert the following:

"(3) Institutional Rehabilitation

General Fund Appropriation - State	\$511,970
Total Appropriation	\$511,970

The appropriation contained in this subsection, or so much thereof as may be necessary, shall be expended exclusively for the operation of an isolated drug treatment program at the Washington State Penitentiary consistent with the provisions of RCW 69.32.090."

Mr. Parker moved adoption of the following amendment to the committee amendment by Representatives Parker, Paris, Fortson, Fischer, North, Matthews, Gaines, Jastad, Gallagher, Laughlin, Sherman and Cochrane:

On page 15, line 15 strike all of subsection 2 and insert the following:

"(2) Intermediate Care Facilities

General Fund Appropriation - State	\$1,364,580
General Fund Appropriation - Federal	\$1,543,004
Total Appropriation	\$2,907,584

The appropriations contained in this subsection shall be expended exclusively for increases in intermediate-care facilities' vendor rates."

Mr. Parker spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Parker yielded to question by Mr. Ehlers.

Mr. Ehlers: "Your arguments are very persuasive, and because I do have a grandmother in a nursing home in Bellingham, I'm very concerned about this. However, I'm on the horns of a dilemma because I realize, as you do, that the state has a set \$5.5 million deficit budget. Are you prepared at this point, then if these two amendments pass—\$20 million—to vote for the necessary revenues to fund this?"

Mr. Parker: "You can't have it both ways, I suppose, and I'm perfectly prepared to vote for any cut and shift in the budget to properly fund this, which I think is necessary, shift in state spending, and the Appropriations Committee should take care of that problem. If not, when the revenue measures come out on the floor of this House, I'm sure we'll have adequate debate in that area. The question now before us, the question that I think is essential, is whether or not the state is going to live up to its responsibilities in caring for the elderly citizens of the state who now find themselves in the unfortunate situation of being in nursing homes. Not only in nursing homes, but because of the cost shift related to our irresponsibility, the private patient finds himself stripped of his resources much earlier than he would have been if he were on an equitable basis with the public patient; that is, the private patient is now paying for public patient care. Yes, Representative Ehlers, I'll be glad to vote for the shift in the budget necessary to allocate proper resources to this area."

Mr. Ehlers: "Thank you, Representative Parker, I think your succinct reply answers my question. I suppose it boils down to no."

POINT OF INQUIRY

Mr. Parker yielded to question by Mr. Flanagan.

Mr. Flanagan: "I always hear these statements about these nursing home companies losing money, but I've yet to see an authoritative statement of one of these companies showing a complete profit and loss from all sources and a balance sheet showing the total assets from all sources. The only thing I ever get is just part of it relating to the state payments and so forth; I never see a total out-party statement or a total balance sheet. Have you got any such thing you could show to anybody in regard to that?"

Mr. Parker: "Representative Flanagan, this legislature over the past three years—originally Representative Sommers put an amendment in the budget opening up nursing home books to us, and since that time we've passed legislation which requires that we have state auditors, in fact I'm told they are not only audited by the state, but anyone participating in Medicaid is required to have state and federal audits. In the case of Northwest Nursing Home, which is the one I was referring to that we had hearings on, the parent company that owned them had a complete certified audit which they showed us with all their cost figures. They also had an audit by the state which they requested—that the state come back in and

audit their figures—and Mr. Gammon from the Department of Social and Health Services that went through the figures, concluded that even though there were some minor differences between what the state would allow and what they expended, that in his conclusion, they were losing money at the rate that they had said. I'm not defending the nursing home industry. The only thing I'm saying is that under our own audits, which we mandated as a legislature, we have conclusive proof that there are, in fact, a large number of nursing homes in this state that are losing money."

Mr. Flanagan: "Well, these operating statements cover all income from all sources, not necessarily just from the Department of Social and Health Services, you mean?"

Mr. Parker: "If you mean the mix between private and public patients, originally that was true. They were making money because they charged their private patients more than they charged their public patients, but what happened in the last year is, (1) the case load of public patients has increased and exceeded what this legislature funded, and (2) just no longer are they able to charge off the loss to their private patients because of the large number of public patients we've put in those institutions. So I think that in terms of the answer to your question, yes, the state does have that. However, our own people in the Department of Social and Health Services agree with it, that a large number of nursing homes are losing money in this state."

Mr. Bagnariol spoke against adoption of the amendment to the committee amendment.

Mrs. Fortson demanded an electric roll call and the demand was sustained.

Mr. Parker spoke again in favor of the amendment, and Mr. Shinpoch spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Parker and others to the committee amendment to House Bill No. 1624, and the amendment to the amendment was adopted by the following vote: Yeas, 60; nays, 26; not voting, 11.

Voting yea: Representatives Amen, Barnes, Bausch, Brown, Ceccarelli, Chandler, Cochrane, Conner, Curtis, Deccio, Dunlap, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Haley, Haussler, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Laughlin, Leckenby, Lee, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Nelson, North, Osterman, Pardini, Paris, Parker, Peterson, Randall, Sawyer, Schumaker, Seeberger, Sherman, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Becker, Bender, Blair, Boldt, Charette, Charney, Douthwaite, Ehlers, Eng, Hanna, Hawkins, Kuehne, Lux, Lysen, Moreau, O'Brien, Polk, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams.

Not voting: Representatives Adams, Berentson, Bond, Clemente, Greengo, Hansen, Hansey, Knowles, Newhouse, Patterson, Perry.

MOTION FOR RECONSIDERATION

Mr. McKibbin, having voted on the prevailing side, moved that the House reconsider the vote by which the amendment by Representative Parker and others was adopted.

MOTION

On motion of Mr. Thompson, the House recessed until 3:30 p.m.

SECOND AFTERNOON SESSION

The House was called to order at 3:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Adams, Bond, Charette, Hansen, Perry and Sherman. Representatives Adams, Charette, Hansen and Perry were excused.

MOTIONS

On motion of Mr. Thompson, the House advanced to the eighth order of business.

On motion of Mr. Thompson, the Rules Committee was relieved of HOUSE BILL NO. 1167 and HOUSE BILL NO. 1168, and the bills were rereferred to Committee on Ways and Means - Revenue.

SENATE AMENDMENTS TO HOUSE BILL

February 13, 1976

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1470 with the following amendments:

On page 1, beginning on line 19 strike 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 (~~((t) 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 representative;

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 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 page 6, section 11, line 25 after "required" and before "treatment" strike "medical"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

Mr. Knowles moved that the House do concur in the Senate amendments except the amendment to page 2 striking section 3.

Mr. Pardini moved that the House do concur in all the Senate amendments.

POINT OF PARLIAMENTARY INQUIRY

Mr. Bagnariol: "If we support the Pardini motion, which would concur in all the Senate amendments, and if it fails, then that means that the House wouldn't concur in any of the amendments, is that correct?"

The Speaker Pro Tem: "It would appear to be the wise procedure under the circumstances to divide the question; then we're not getting involved with the reverse action on just part of the original motion by Representative Knowles."

Mr. Pardini withdrew his motion.

MOTION

Mr. Bagnariol moved that the question be divided, and the House vote on the first three amendments, and then on the amendment to page 2, striking section 3.

The motion to divide was carried.

Mr. Knowles spoke in favor of concurrence in the first three amendments, and they were adopted.

Mr. Knowles moved that the House do not concur in the amendment to page 2, striking section 3 and ask the Senate to recede therefrom.

Mr. Pardini moved that the House do concur in the Senate amendment.

Representatives Pardini, Haley, Bagnariol, Parker and Eikenberry spoke in favor of the motion, and Representatives Knowles, Seeberger, Smith (Rick) and Lux spoke against it.

Mr. Pardini spoke again in favor of the motion to concur, and Mr. Knowles spoke again in opposition to it.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendment to page 2, line 6 of Engrossed Substitute House Bill No. 1470, and the motion was lost by the following vote: Yeas, 41; nays, 49; not voting, 7.

Voting yea: Representatives Bagnariol, Barnes, Berentson, Blair, Brown, Chandler, Curtis, Dunlap, Eikenberry, Erickson, Fischer, Fortson, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Juelling, Kuehnle, Leckenby, Martinis, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Smith E. P., Tilly, Valle, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Amen, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Flanagan, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Osterman, Schumaker, Seeberger, Shinpoch, Smith R., Sommers, Thompson, Warnke, Williams, Wojahn.

Not voting: Representatives Adams, Bond, Charette, Deccio, Hansen, Perry, Sherman.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

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,
 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 FOR RECONSIDERATION

Mr. Clemente, having voted on the prevailing side, moved for reconsideration of the vote by which the House failed to pass Second Reengrossed Substitute Senate Bill No. 2424.

POINT OF ORDER

Mr. Eikenberry: "This motion is out of order, because consideration of this bill is beyond the cutoff date set by SCR 125."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "The question before us at this time is to reconsider the vote by which the bill failed to receive the constitutional majority. The motion to reconsider would apparently be in order under the resolution, and if the motion to reconsider carries, then you can raise the point of order on consideration of the bill. Right now we're just considering the motion."

Representatives Zimmerman and Thompson spoke in favor of the motion, and Mrs. North spoke against it.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which Second Reengrossed Substitute Senate Bill No. 2424 failed to pass the House, and the motion was carried by the following vote: Yeas, 54; nays, 36; not voting, 7.

Voting yea: Representatives Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Freeman, Gallagher, Gilleland, Hanna, Hansey, Hawkins, Hendricks, Hurley G. S., Jueling, Kilbury, King, Kuehnle, Laughlin, Leckenby, Lux, Maxie, McKibbin, Moon, O'Brien, Osterman, Pardini, Paris, Parker, Polk, Randall, Seeberger, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Bagnariol, Bausch, Conner, Curtis, Deccio, Eikenberry, Fischer, Flanagan, Fortson, Gaines, Gaspard, Greengo, Haley, Haussler, Hayner, Hurley M., Jastad, Kalich, Knowles, Lee, Lysen, Martinis, Matthews, May, McCormick, Moreau, Nelson, Newhouse, North, Peterson, Sawyer, Schumaker, Warnke, Whiteside, Wilson.

Not voting: Representatives Adams, Bond, Charette, Hansen, Patterson, Perry, Sherman.

POINT OF ORDER

Mr. Eikenberry: "I now raise the point of order that consideration of this bill is beyond the cutoff date established by SCR 125, and I feel duty-bound to raise this point of order."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "In reply to your question whether or not it is beyond the cutoff date, it's the decision of the Speaker that the bill carries no appropriation. Referendum 27 funds are not specifically referred to. While it is true that subsection (3) section 2, page 1 states that this bill is the fifth in the orderly and efficient administration of the state financial assistance program for public water supply systems, nowhere does the bill speak to the amount already spent or yet to be spent. Furthermore, this bill was never before the Ways and Means Committee. Although notice for reconsideration was given Friday, we are now beyond the February 13th cutoff date, and since it does not pertain to matters of revenue or appropriations, it is now not possible to consider it. I rule that Second Reengrossed Substitute Senate Bill No. 2424 is beyond the cutoff date, and consideration of it at this time is out of order."

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Tuesday, February 17, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FORTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, February 17, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Adams, Bausch, Blair, Perry, Polk and Sawyer. Representatives Adams, Bausch, Blair, Perry and Polk were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Suzy Ward and Steve Shroeder. Prayer was offered by the Reverend Frank L. Accardy of the Emmanuel Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

February 16, 1976

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1382,
HOUSE BILL NO. 1529,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

SENATE AMENDMENTS TO HOUSE BILL

February 13, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1291 with the following amendments:

On page 1, line 16 after "highways" 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"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. May, the House concurred in the Senate amendments to Engrossed House Bill No. 1291.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be the final passage of Engrossed House Bill No. 1291 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1291 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 74; nays, 2; not voting, 21.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Boldt, Bond, Brown, Chandler, Charette, Charnley, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Patterson, Peterson, Schumaker, Seeberger, Sherman, Shipnosh, Smith R., Sommers, Tilly, Valle, Whiteside, Williams, Wojahn.

Voting nay: Representatives Wilson, Zimmerman.

Not voting: Representatives Adams, Bausch, Blair, Ceccarelli, Clemente, Deccio, Ehlers, Kalich, Kuehnle, Lysen, Martinis, McKibbin, Paris, Parker, Perry, Polk, Randall, Sawyer, Smith E. P., Thompson, Warnke.

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.

SENATE AMENDMENTS TO HOUSE BILL

February 13, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1237 with the following amendments:

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."

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 the 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."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Whiteside moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1237.

POINT OF INQUIRY

Mr. Whiteside yielded to question by Mr. Seeberger.

Mr. Seeberger: "Representative Whiteside, will this bill in any way increase the power of the Department of Social and Health Services to set rules and regulations in this area?"

Mr. Whiteside: "I, too, was concerned about that, and I received a letter from the Department stating that there would be the same rules and regulations that are in effect now and that they do not intend to increase the number of residents beyond four."

POINT OF INQUIRY

Mr. Whiteside yielded to question by Mrs. Wojahn.

Mrs. Wojahn: "Would this mean that a boarding home could have four people, or would it be not more than three up to four?"

Mr. Whiteside: "This does not address itself any longer to the boarding home classification. It is in the residential home setting that we originally intended in the bill, but it includes four, up to five, so there would be four."

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Bill No. 1237 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1237 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; nays, 0; not voting, 14.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Peterson, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Adams, Bausch, Blair, Ceccarelli, Kalich, Lysen, McKibbin, Patterson, Perry, Polk, Randall, Sawyer, Thompson, Warnke.

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.

MESSAGE FROM THE SENATE

February 17, 1976

Mr. Speaker:

The President 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,
- 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,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

February 13, 1976

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 455 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. and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Randall, the House concurred in the Senate amendments to Substitute House Bill No. 455.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem declared the question before the House to be final passage of Substitute House Bill No. 455 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 455 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; nays, 1; not voting, 12.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Pardini, Parker, Patterson, Peterson, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Eikenberry.

Not voting: Representatives Adams, Bausch, Blair, Erickson, Gilleland, Lysen, Newhouse, Paris, Perry, Polk, Sawyer, Sommers.

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.

REPORTS OF STANDING COMMITTEES

February 13, 1976

HOUSE BILL NO. 1305, Prime Sponsor: Representative Smith (Rick), prohibiting personal use of campaign contributions and concealment of the source of professional fees. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: Do pass. Signed by Representatives Hawkins, Chairman; Barnes, Erickson, King, Knowles, Osterman, Sherman.

To Committee on Rules for second reading.

February 13, 1976

SENATE BILL NO. 3036, Prime Sponsor: Senator Walgren, establishing procedures for enforcing vehicle identification laws. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass 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 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."

Remember the remaining sections consecutively, and correct internal references accordingly.

On page 1, line 3 of the title after "penalties;" insert "making an appropriation;"

Signed by Representatives Barnes, Berentson, Bond, Charnley, Dunlap, Gaines, Gallagher, Gilleland, Hansen, Hayner, Laughlin, Leckenby, Lee, Martinis, McCormick, Patterson.

To Committee on Rules for second reading.

February 13, 1976

SENATE BILL NO. 3074, Prime Sponsor: Senator Beck, requiring state franchising for county ferries receiving federal aid. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Barnes, Berentson, Bond, Charnley, Dunlap, Gaines, Gallagher, Gilleland, Hansen, Hayner, Laughlin, Leckenby, Lee, Martinis, McCormick, Patterson.

To Committee on Rules for second reading.

February 13, 1976

ENGROSSED SENATE BILL NO. 3148, Prime Sponsor: Senator Henry, authorizing the sale and issuance of state highway construction bonds. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Barnes, Berentson, Bond, Charnley, Dunlap, Gaines, Gallagher, Gilleland, Hansen, Hayner, Laughlin, Lee, Martinis, McCormick, Patterson.

To Committee on Rules for second reading.

APPOINTMENT OF CONFEREES

The Speaker Pro Tem appointed Representatives Randall, Sommers and Nelson as conferees on Reengrossed House Bill No. 971.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Adams, Bausch, Haussler, Perry and Polk, who were excused.

MESSAGES FROM THE SENATE

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 2060 and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to REENGROSSED SUBSTITUTE SENATE BILL NO. 2088, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 2635, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 2660 and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SUBSTITUTE HOUSE BILL NO. 802,
HOUSE BILL NO. 1237,
HOUSE BILL NO. 1382,
HOUSE BILL NO. 1529.

SENATE AMENDMENTS TO HOUSE BILL

February 12, 1976

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1329 with the following amendments:

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 page 1, line 10 of the title after the semicolon strike all matter down through the semicolon on line 12.

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 payments made by a governmental entity to reimburse a public official for expenses incurred while such official is engaged in the official business of such governmental entity.

(9) 'Continuing political committee' means a political committee which is an organization of continuing existence not established in anticipation of any particular election, 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, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

(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 consecutively.

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"

Beginning on page 11, strike all of section 7 and renumber the remaining sections consecutively.

On page 13, section 8, line 14 strike "two or more days" and insert "on or"

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 15, line 29 after "filed," 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 page 15, line 29 strike "thirty" and insert "ten"

On page 17, line 17 after "That" insert "no individual penalty assessed by the commission shall exceed five hundred dollars and"

On page 17, line 19 strike "one thousand" and insert "five hundred"

On page 18, following section 14 add a new section 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 and 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.

On page 18, following 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."

Beginning on page 18, strike all of section 14 and renumber the remaining sections consecutively. and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Hawkins moved that the House do not concur in the Senate amendment to page 2, line 11 and ask the Senate to recede therefrom.

Representatives Hawkins and Brown spoke in favor of the motion, and it was carried.

On motion of Mr. Hawkins, the House concurred in the Senate amendments to page 2, line 30 and to page 5, line 5.

Mr. Hawkins moved that the House do concur in the Senate amendment to page 6, line 12.

POINT OF INQUIRY

Mr. Hawkins yielded to question by Mr. Charette.

Mr. Charette: "Representative Hawkins, you have said that the same comments would apply. Would you explain what it means, '...during the campaign to date.?'"

Mr. Hawkins: "This reference is to the ongoing reporting within the campaign period, and I believe it's referring to the updated amount contained in those periodic reports."

The motion was carried.

On motion of Mr. Hawkins, the House refused to concur in the Senate amendments to page 11, striking section 7 and to page 13, line 14, and asked the Senate to recede therefrom.

On motion of Mr. Hawkins, the House concurred in the Senate amendments to page 13, line 21 and to page 15, line 12.

Mr. Hawkins moved that the House do not concur in the first Senate amendment to page 15, line 29.

Mr. Charette moved that the House do concur in the first Senate amendment to page 15, line 29.

Representatives Charette, Kuehnle and Curtis spoke in favor of the motion to concur, and Representative King spoke against it.

Mr. Bender demanded an electric roll call, and the demand was sustained.

Representatives Conner and Deccio spoke in favor of the motion to concur, and Representatives Brown and Hurley (Margaret) spoke against it.

POINT OF INQUIRY

Mr. Brown yielded to question by Mr. Chandler.

Mr. Chandler: "Under present law, if a person fails to file in time, how is that handled? What is the penalty?"

Mr. Brown: "The language that is in here was, of course, all added. I think under present law there's a maximum penalty of ten dollars a day, and they have been sending out notices. In the past eight months they've sent out thousands of notices. I think it's ten dollars a day in the present statute, but I'm not positive about that. This language that's been amended is all new—added to the bill."

Representatives Chandler, Hurley (George), Eikenberry and Charette spoke in favor of the motion to concur, and Representatives Hawkins and King spoke against it.

ROLL CALL

The Clerk called the roll on the motion to concur in the first Senate amendment to page 15, line 29 of Substitute House Bill No. 1329, and the motion was carried by the following vote: Yeas, 48; nays, 39; not voting, 10.

Voting yea: Representatives Amen, Bagnariol, Berentson, Chandler, Charette, Conner, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Hansen, Hansey, Hayner, Hurley G. S., Hurley M., Jastad, Jueling, Knowles, Kuehnle, Laughlin, Leckenby, Martinis, Matthews, May, McCormick, Moreau, Newhouse, North, Pardini, Parker, Patterson, Randall, Sawyer, Schumaker, Smith E. P., Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Barnes, Bauer, Becker, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Charnley, Clemente, Cochrane, Douthwaite, Eng, Erickson, Haley, Hanna, Hawkins, Hendricks, Kilbury, King, Lee, Lux, Lysen, Maxie, McKibbin, Moon, O'Brien, Osterman, Paris, Peterson, Seeberger, Sherman, Shipoch, Smith R., Sommers, Thompson, Valle, Williams.

Not voting: Representatives Adams, Bausch, Ehlers, Gilleland, Haussler, Kalich, Nelson, Perry, Polk, Warnke.

On motion of Mr. Hawkins, the House refused to concur in the second Senate amendment to page 15, line 29.

Mr. Hawkins moved that the House do not concur in the Senate amendment to page 17, line 17 and ask the Senate to recede therefrom.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House do not concur in the Senate amendment to page 17, line 17, and the motion was carried by the following vote: Yeas, 58; nays, 30; not voting, 9.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fortson, Gallagher, Gaspard, Haley, Hanna, Hawkins, Hendricks, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Maxie, May, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Paris, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams, Zimmerman.

Voting nay: Representatives Blair, Curtis, Deccio, Dunlap, Fischer, Flanagan, Freeman, Gaines, Greengo, Hansen, Hansey, Hayner, Hurley M., Jueling, Kuehnle, Leckenby, Lysen, Martinis, Matthews, McCormick, Newhouse, Pardini, Parker, Patterson, Sawyer, Schumaker, Tilly, Whiteside, Wilson, Wojahn.

Not voting: Representatives Adams, Bausch, Berentson, Gilleland, Haussler, Nelson, Perry, Polk, Warnke.

On motion of Mr. Hawkins, the House refused to concur in the Senate amendment to page 17, line 19 and asked the Senate to recede therefrom.

Mr. Hawkins moved that the House concur in the Senate amendments to page 18.

Representatives Hawkins and Brown spoke in favor of the motion to concur, and Mr. Charette spoke against it.

Mr. Brown spoke in favor of the motion, and Mr. Charette spoke against it.

POINT OF PARLIAMENTARY INQUIRY

Mr. Curtis: "I thought I heard Representative Hawkins move that the House concur in all the amendments to page 18. As read, the one we seem to be working on has nothing to do with the expenditure of public funds. Can you clarify as to whether we are on one amendment or all three amendments?"

The Speaker Pro Tem: "We are considering all the amendments on page 18."

On motion of Mr. Eikenberry, the question was divided, and the Speaker Pro Tem stated each amendment to page 18 would be considered separately. The question before the House was the motion to concur in the Senate amendment to page 18, adding a new section 15.

Mr. Douthwaite spoke in favor of the motion.

Mr. Hansey demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendment to page 18, adding a new section 15, and the motion was carried by the following vote: Yeas, 57; nays, 27; not voting, 13.

Voting yea: Representatives Amen, Bagnariol, Bauer, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Chandler, Charnley, Clemente, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Gaspard, Hanna, Hansen, Hawkins, Hurley G. S., Jastad, Kalich, Kilbury, King, Laughlin, Leckenby, Lee, Lux, Martinis, McCormick, McKibbin, Moon, Nelson, Newhouse, O'Brien, Osterman, Parker, Patterson, Peterson, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wojahn.

Voting nay: Representatives Barnes, Berentson, Bond, Charette, Cochrane, Curtis, Deccio, Dunlap, Eikenberry, Fortson, Freeman, Gaines, Gallagher, Greengo, Haley, Hansey, Hayner, Hurley M., Jueling, Kuehnle, Lysen, Matthews, May, North, Paris, Schumaker, Zimmerman.

Not voting: Representatives Adams, Bausch, Gilleland, Haussler, Hendricks, Knowles, Maxie, Moreau, Pardini, Perry, Polk, Warnke, Wilson.

Mr. Hawkins moved that the House do concur in the Senate amendment to page 18, adding a new section 16.

POINT OF INQUIRY

Mr. Hawkins yielded to question by Mr. Charette.

Mr. Charette: "Is there now or is there contemplated any case in the court of our state that would require this section which might be necessary to the proponents of the Public Disclosure Commission, and why wasn't it put into the initiative?"

Mr. Hawkins: "The second part of your question, I'm not sure I could address. As to whether there is any existing case law in the courts, I certainly can't answer that either; I'm not an attorney."

The motion was carried.

Mr. Hawkins moved that the House do concur in the Senate amendment to page 18, striking section 14.

POINT OF INQUIRY

Mr. Hawkins yielded to question by Mr. Curtis.

Mr. Curtis: "Have we taken action yet on the Senate amendment beginning on page 11, dealing with section 7? Have we concurred in that amendment?"

Mr. Hawkins: "We did not concur in that amendment."

Representatives Curtis and Brown spoke against the motion to concur, and the motion was lost.

The Speaker Pro Tem stated the effect of the motion having failed was to ask the Senate to recede therefrom.

On motion of Mr. Hawkins, the Senate amendments to the title were not concurred with and the Senate was asked to recede therefrom.

MOTION FOR RECONSIDERATION

Mr. Gaspard, having voted on the prevailing side, moved that the House now reconsider the action by which the House refused to concur with the Senate amendment to page 13, line 14.

POINT OF ORDER

Mr. Newhouse: "I'm not sure that we have accomplished anything in consequence of the action and whether the motion is in order."

The Speaker Pro Tem: "Your point of order is not well taken in this instance. The motion to reconsider is in order on this particular amendment."

Mr. Gaspard spoke in favor of the motion, and it was carried.

The Speaker Pro Tem stated the question before the House to be reconsideration of the motion to not concur in the Senate amendment to page 13, line 14.

Mr. Gaspard moved that the House do concur in the amendment.

Mr. Eikenberry spoke in favor of the motion, and Mr. Hawkins spoke against it.
The motion to concur was carried.

MESSAGES FROM THE SENATE

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 2994, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2996, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SENATE BILL NO. 3009, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SENATE BILL NO. 3047, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 3056, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SENATE BILL NO. 3094, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

MOTIONS

On motion of Mr. Thompson, the House advanced to the eighth order of business.

On motion of Mr. Thompson, HOUSE BILL NO. 1608 was rereferred from Committee on Education to Committee on Ways and Means - Appropriations.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Wednesday, February 18, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FORTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, February 18, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representative Eikenberry, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carol Jackson and Jeff Huffman. Prayer was offered by Sister Jerome Mary of St. Joseph's Hospital in Aberdeen.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE GOVERNOR

February 17, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise that on February 17, 1976, Governor Evans approved the following House Bill, entitled:

SUBSTITUTE HOUSE BILL NO. 1299: Modifying the building code as applied to historic buildings.

Sincerely,
Chi-Dooh Li, Legal Counsel.

MESSAGE FROM THE SENATE

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 2660, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

**SUBSTITUTE HOUSE BILL NO. 455,
HOUSE BILL NO. 1291.**

SENATE AMENDMENTS TO HOUSE BILL

February 13, 1976

Mr. Speaker:

The Senate has passed **SUBSTITUTE HOUSE BILL NO. 779** 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 pre-paid 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, devise 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 I of this 1976 amendatory act."

In line 7 of the title after "chapter" strike "... (House Bill No. 218)" and insert "38" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Sommers moved that the House do not concur in the Senate amendments to Substitute House Bill No. 779 and ask the Senate for a conference thereon.

Representatives Sommers and Newhouse spoke in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

February 17, 1976

Mr. Speaker:

The Senate refuses to recede from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1470 on page 2, beginning on line 6, and once again asks the House to concur therewith, and said bill, together with the Senate amendment, is herewith transmitted.
Bill Gleason, Assistant Secretary.

MOTION

Mr. Knowles moved that the House do concur in the Senate amendment to Substitute House Bill No. 1470.

Representatives Knowles and Haley spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be the final passage of Substitute House Bill No. 1470 as amended by the Senate.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1470 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; nays, 8; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Cochrane, Conner, Curtis, Deccio, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Peterson, Polk, Randall, Schumaker, Seeberger, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Clemente, Douthwaite, Hurley G. S., Lux, Lysen, Moon, Sherman, Shinpoch.

Not voting: Representatives Eikenberry, Patterson, Perry, Sawyer, Wilson.

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.

MESSAGE FROM THE SENATE

February 17, 1976

Mr. Speaker:

The Senate has refused to concur in the House amendments to ENGROSSED SENATE BILL NO. 2989, and asks the House to recede therefrom, and said bill, together with the House amendments thereto, is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Hawkins, the House refused to recede from its amendments to Engrossed Senate Bill No. 2989, and asked the Senate for a conference thereon.

MESSAGE FROM THE SENATE

February 17, 1976

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 3026, and asks the House to recede therefrom, and said bill, together with the House amendment thereto, is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Bauer moved that the House do recede from its amendment to Senate Bill No. 3026.

Mr. Bauer spoke in favor of the motion, and Mr. Dunlap spoke against it.

POINT OF ORDER

Mr. Pardini: "I think this is a very significant bill and I think we should have the attention of the House. I think you should bring the House to order so that they can listen to Mr. Dunlap."

The Speaker Pro Tem called the House to order.

Mr. Dunlap continued his remarks against the motion to recede from the amendment.

Representatives Douthwaite and Brown spoke in favor of the motion, and Representatives Hayner and Curtis spoke against it.

Mr. Hansey demanded an electric roll call, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to recede from the House amendment to Senate Bill No. 3026, and the motion was lost by the following vote: Yeas, 46; nays, 46; not voting, 5.

Voting yea: Representatives Bauer, Bausch, Becker, Blair, Boldt, Brown, Ceccarelli, Chandier, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Gaines, Haussler, Hawkins, Hurley G. S., Kilbury, King, Laughlin, Lux, Lysen, Martinis, Maxie, McKibbin, Moon, O'Brien, Osterman, Paris, Perry, Peterson, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Zimmerman.

Voting nay: Representatives Adams, Amen, Barnes, Berentson, Bond, Curtis, Deccio, Dunlap, Erickson, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Knowles, Kuehnle, Leckenby, Lee, Matthews, May, McCormick, Moreau, Nelson, Newhouse, North, Pardini, Parker, Polk, Schumaker, Tilly, Whiteside, Wilson, Wojahn.

Not voting: Representatives Bagnariol, Bender, Eikenberry, Patterson, Sawyer.

MOTION FOR RECONSIDERATION

Mr. Adams, having voted on the prevailing side, moved for reconsideration of the vote by which the House refused to recede from its amendment to Senate Bill No. 3026.

Mr. Thompson spoke in favor of the motion, and Mr. Dunlap spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Representatives Brown, Zimmerman, Douthwaite and Bauer spoke in favor of the motion to reconsider, and Representatives Curtis, Lee, Pardini, Fortson, Barnes and Hayner spoke against it.

Mr. Ehlers demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which the House refused to recede from its amendment to Senate Bill No. 3026, and the motion was lost by the following vote: Yeas, 45; nays, 51; not voting, 1.

Voting yea: Representatives Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Gaines, Hansen, Haussler, Hawkins, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, McKibbin, Moon, O'Brien, Osterman, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Zimmerman.

Voting nay: Representatives Adams, Amen, Barnes, Berentson, Blair, Bond, Chandler, Curtis, Deccio, Dunlap, Eng, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kuehnle, Leckenby, Lee, Matthews, May, McCormick, Moreau, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Peterson, Polk, Sawyer, Schumaker, Tilly, Whiteside, Wilson, Wojahn.

Not voting: Representative Eikenberry.

On motion of Mr. Bauer, the House insisted on its position with regard to Senate Bill No. 3026, and again asked the Senate to concur.

MOTION

Mr. Kuehnle moved that the Committee on Higher Education be relieved of SENATE BILL NO. 3023 and SENATE BILL NO. 3028, and that the bills be placed on the second reading calendar.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Kuehnle, on the basis of Rule 82, which states in part as follows: 'Provided, that a majority of members elected to the house may require a committee to report a bill back to the house during the order of business at which it may be considered.' Your motion would be proper under the sixth order of business, second reading of bills."

MESSAGE FROM THE SENATE

February 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 3066 to page 1, line 14 and to page 1, line 15, but refuses to concur in the amendment to page 1, line 11, and asks the House to recede therefrom, and said bill together with the House amendments thereto, is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Parker, the House receded from its amendment to page 1, line 11 of Engrossed Senate Bill No. 3066.

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Senate Bill No. 3066 without the amendment to page 1, line 11.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3066 without the House amendment to page 1, line 11, and the bill passed the House by the following vote: Yeas, 95; nays, 0; not voting, 2.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Eikenberry, Maxie.

Engrossed Senate Bill No. 3066 without the House amendment to page 1, line 11, having received the 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 SENATE

February 18, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on REENGROSSED HOUSE BILL NO. 971, and the President has appointed as conferees thereon: Senators Donohue, Matson, Woody.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Thompson, the House recessed until 1:00 p.m.

 AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present.

MESSAGE FROM THE SENATE

February 18, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 455,
 SUBSTITUTE HOUSE BILL NO. 802,
 HOUSE BILL NO. 1237,
 HOUSE BILL NO. 1291,
 HOUSE BILL NO. 1382,
 HOUSE BILL NO. 1529,
 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.

Sidney R. Snyder, Secretary.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

REPORTS OF STANDING COMMITTEES

February 18, 1976

HOUSE BILL NO. 1608, Prime Sponsor: Representative Freeman, mandating procedure for distribution of funds to school districts. Reported by Committee on Ways and Means.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 28 after "enrolled" strike all the material down to and including "RCW 28A.58.100)" on line 30 and insert ")), based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.100."

On page 3, line 9 after "calculation for" strike all the material down to and including "year" on line 10 and insert "either a 1974-75 base school year or a 1975-76 base school year, whichever insures the largest dollar support level,"

On page 7, line 16 after "essential" strike all the material down to and including "preference" on line 18 and insert "for the education of all children residing within the state"

Signed by Representatives Randall, Chairman - Revenue; Bauer, Bausch, Blair, Boldt, Brown, Curtis, Flanagan, Freeman, Hansey, Kilbury, Matthews, McKibbin, Nelson, Newhouse, Pardini, Polk, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle.

To Committee on Rules for second reading.

February 18, 1976

HOUSE BILL NO. 1609, Prime Sponsor: Representative Freeman, limiting school excess property tax levies, authorizing a statewide school excess levy, and increasing the sales and use taxes. Reported by Committee on Ways and Means.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Randall, Chairman – Revenue; Bauer, Bausch, Blair, Boldt, Brown, Curtis, Flanagan, Freeman, Hansey, Hawkins, Kilbury, Matthews, McKibbin, Newhouse, Pardini, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle.

To Committee on Rules for second reading.

February 18, 1976

HOUSE BILL NO. 1610, Prime Sponsor: Representative Freeman, requiring state agencies to reduce expenditures within the appropriate mode pursuant to the 1975–77 biennial budget. Reported by Committee on Ways and Means.

MAJORITY recommendation: Do pass with the following amendments:

On page 2, following line 13 insert a new section as follows:

"Sec. 2. Section 45, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:
FOR THE TEACHERS' RETIREMENT SYSTEM

General Fund Appropriation	\$(99,562,353)	83,238,451
Teachers' Retirement Fund Appropriation		\$1,438,216
Total Appropriation	\$(101,000,569)	84,676,667

The appropriation contained in this section shall be subject to the following condition or limitation:
Not more than ~~(\$99,562,353)~~ \$83,238,451 of this appropriation shall be expended for contributions to the teachers' retirement system."

Renumber the remaining section consecutively.

On line 1 of the title, after "appropriations;" insert "amending section 45, chapter 269, Laws of 1975 1st ex. sess. (uncodified);"

Signed by Representatives Randall, Chairman – Revenue; Bauer, Bausch, Boldt, Brown, Curtis, Flanagan, Freeman, Hansey, Kilbury, Matthews, McKibbin, Nelson, Newhouse, Pardini, Polk, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle.

To Committee on Rules for second reading.

February 18, 1976

HOUSE BILL NO. 1611, Prime Sponsor: Representative Freeman, requiring school districts to make contributions to the teachers' retirement system. Reported by Committee on Ways and Means.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, strike all of section 1 and insert the following:

"**NEW SECTION.** Section 1. There is added to chapter 41.32 RCW a new section to read as follows:

At the July, 1976, meeting of the board of trustees of the teachers' retirement system and at each July meeting in an even numbered year thereafter, the board shall compute for the ensuing biennium the amount necessary in dollars to:

(1) Provide for the unfunded liability contribution necessary to amortize the unfunded liability of the system as a uniform and constant percentage of the total prospective earnable compensation of all members of the system for the period ending June 30, 2014;

(2) Pay for the operating expenses of the system; and

(3) Provide for the normal cost contribution.

Beginning with the 1977–79 biennium and each biennium thereafter it shall be the duty of the secretary–manager of the retirement system to report to the governor for inclusion in the governor's budget the following information:

The amount necessary for the unfunded liability contribution;

The amount necessary to pay for the operating expenses of the system; and

The amount necessary to pay the normal cost contribution for all members of the system, except members employed by school districts.

The legislature shall make an appropriation each biennium until June 30, 2014, from the state general fund to the teachers' retirement system in an amount equal to six percent of the total earnable compensation of all members of the system.

The legislature shall make an appropriation each biennium from the general fund to the teachers' retirement system in an amount equal to one–half of the operating expenses of the system.

The legislature shall make an appropriation each biennium from the teachers' retirement fund to the teachers' retirement system in an amount equal to one–half of the operating expenses of the system.

The legislature shall make an appropriation each biennium to the teachers' retirement system in an amount equal to the normal cost contribution for all members of the system, except members employed by school districts.

Beginning with the 1977–79 biennium and each biennium thereafter it shall be the duty of the secretary–manager of the retirement system to report to the superintendent of public instruction the amount of the normal cost contribution required by each school district for each of its members within the retirement system, expressed as a percentage of total earnable compensation of each member. The superintendent shall inform each school district of the total normal cost contribution necessary to be transferred by such

district to the teachers' retirement system. Monthly, each district shall make the transfers required herein to the teachers' retirement system, and a district may utilize state funds distributed to school districts pursuant to the provisions of chapter 28A.41 RCW for the purpose of making normal cost contributions.

During fiscal year 1976-77 each school district shall transfer monthly to the teachers' retirement system an amount equal to four and three-tenths percent of the total earnable compensation of each of its employees who are members of the retirement system.

Amounts received by the retirement system from the school districts and the state shall be distributed first to the teachers' retirement fund for the payment of pensions and survivors' benefits, and the balance shall be credited to the teachers' retirement pension reserve fund."

On page 2, line 14 after "effect" and before the period strike "immediately" and insert "July 1, 1976"

On line 3 of the title after "41.32.401;" and before "and" insert "prescribing an effective date;"

Signed by Representatives Randall, Chairman - Revenue; Bauer, Bausch, Blair, Boldt, Brown, Curtis, Flanagan, Freeman, Hansey, Kilbury, Matthews, McKibbin, Newhouse, Pardini, Polk, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle.

To Committee on Rules for second reading.

February 18, 1976

HOUSE BILL NO. 1627, Prime Sponsor: Representative Randall, relating to revenue and taxation. Reported by Committee on Ways and Means.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Shinpoch, Chairman - Appropriations; Randall, Chairman - Revenue; Bauer, Bausch, Boldt, Ehlers, Erickson, Gaspard, Hawkins, Hurley (George), Kilbury, May, McKibbin, Moreau, Newhouse, North, Smith (Edward), Sommers, Thompson, Valle, Williams.

To Committee on Rules for second reading.

February 18, 1976

HOUSE BILL NO. 1628, Prime Sponsor: Representative Randall, relating to revenue and taxation. Reported by Committee on Ways and Means.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bagnariol, Chairman; Shinpoch, Chairman - Appropriations; Bauer, Blair, Boldt, Ehlers, Erickson, Hawkins, Hurley (George), Kilbury, May, McKibbin, Moreau, Newhouse, North, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle, Warnke, Williams.

To Committee on Rules for second reading.

February 18, 1976

HOUSE BILL NO. 1629, Prime Sponsor: Representative Randall, relating to revenue and taxation. Reported by Committee on Ways and Means.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Shinpoch, Chairman - Appropriations; Bauer, Bausch, Boldt, Ehlers, Erickson, Gaspard, Hawkins, Hurley (George), Kilbury, May, McKibbin, Moon, Moreau, Newhouse, North, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle.

To Committee on Rules for second reading.

February 18, 1976

HOUSE BILL NO. 1630, Prime Sponsor: Representative Randall, relating to revenue and taxation. Reported by Committee on Ways and Means.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bagnariol, Chairman; Shinpoch, Chairman - Appropriations; Bauer, Blair, Boldt, Ehlers, Erickson, Hawkins, Hurley (George), Kilbury, May, McKibbin, Moreau, Nelson, Newhouse, North, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle, Warnke.

To Committee on Rules for second reading.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SUBSTITUTE HOUSE BILL NO. 1470,
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.

STANDING COMMITTEE APPOINTMENT

The Speaker Pro Tem appointed Representative Lysen as Vice Chairman of Committee on Financial Institutions.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Thursday, February 19, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FORTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, February 19, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representative Williams, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Delain Yearout and John Rapp. Prayer was offered by the Reverend Doug Spangler of the Findlay Street Christian Church of Seattle.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE GOVERNOR

February 18, 1976

**TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON**

Ladies and Gentlemen:

I have the honor to advise that on February 18, 1976, Governor Evans approved the following House Bills, entitled:

HOUSE BILL NO. 1356: Pertaining to education; RCW corrections.
HOUSE BILL NO. 1357: Relating to teachers' retirement; RCW corrections.
HOUSE BILL NO. 1358: Relating to state government; RCW corrections.
HOUSE BILL NO. 1359: Relating to motor vehicles; RCW corrections.
HOUSE BILL NO. 1360: Relating to industrial insurance; RCW corrections.
HOUSE BILL NO. 1361: Relating to alcoholic beverages; RCW corrections.

Sincerely,
Chi-Doooh Li, Legal Counsel.

MESSAGES FROM THE SENATE

February 16, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 38,
SUBSTITUTE HOUSE BILL NO. 1470,
SUBSTITUTE SENATE BILL NO. 2130,
SUBSTITUTE SENATE BILL NO. 2243,
SENATE BILL NO. 3066,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

February 18, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2130, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

February 18, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 2243, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

February 18, 1976

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SENATE BILL NO. 3066 on page 1, line 14 and page 1, line 15, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

APPOINTMENT OF CONFEREES

The Speaker Pro Tem appointed Representatives Fortson, Chandler and Sherman as conferees on Senate Bill No. 2989.

The Speaker Pro Tem appointed Representatives Sommers, McKibbin and Kuehnle as conferees on Substitute House Bill No. 779.

SENATE AMENDMENTS TO HOUSE BILL

February 18, 1976

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 721 with the following amendments:

On page 1, line 26 strike "provided" and insert "provide"

On page 2, line 26 after "valuable" insert "items"

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Haussler, the House concurred in the Senate amendments to Second Substitute House Bill No. 721.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Second Substitute House Bill No. 721 as amended by the Senate.

Mr. Haussler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 721 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; nays, 0; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Chandler, Deccio, Gaspard, McCormick, Williams, Wojahn.

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.

MESSAGE FROM THE SENATE

February 18, 1976

Mr. Speaker:

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 following amendments: Page 1, line 2 of the title; page 1, line 10 of the title; page 2, following line 11; page 11, strike all of section 7; page 15, line 29; page 17, line 17; page 17, line 19; and page 18, strike all of section 14,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Hawkins, the House again refused to concur in the Senate amendments to Substitute House Bill No. 1329, and asked the Senate for a conference thereon.

REPORTS OF STANDING COMMITTEES

February 18, 1976

HOUSE BILL NO. 1626, Prime Sponsor: Representative Bagnariol, relating to appropriations. Reported by Committee on Ways and Means.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bagnariol, Chairman; Shinpoch, Chairman – Appropriations; Randall, Chairman – Revenue; Amen, Bauer, Bausch, Boldt, Curtis, Ehlers, Gaspard, Kilbury, May, McKibbin, Pardini, Polk, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle, Warnke.

MOTION

On motion of Mr. Thompson, the rules were suspended, and House Bill No. 1626 was advanced to second reading and read the second time in full.

SECOND READING

Mr. Thompson moved that the House consider the Senate bills on today's calendar beginning with Substitute Senate Bill No. 2689.

Mr. Newhouse moved to amend the Thompson motion to place House Bill No. 1624 at the top of the calendar.

Representatives Newhouse and Berentson spoke in favor of the motion by Mr. Newhouse, and Mr. Thompson spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Representatives Polk and Lee spoke in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion by Representative Newhouse to amend the Thompson motion and place House Bill No. 1624 at the top of today's calendar, and the motion was lost by the following vote: Yeas, 38; nays, 53; not voting, 6.

Voting yea: Representatives Amen, Barnes, Berentson, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Hendricks, Jastad, Juelling, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Tilly, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Hanna, Hawkins, Hayner, Hurley G. S., Hurley M., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, O'Brien, Osterman, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Wojahn.

Not voting: Representatives Blair, Haussler, Kalich, Perry, Sawyer, Williams.

The motion by Representative Thompson was carried.

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 second time.

POINT OF ORDER

Mr. Zimmerman: "Under the concurrent resolution we are operating under, is this bill considered a priority that would fit under the definition of what is now priority legislation?"

The Speaker Pro Tem: "The cut-off resolution states as follows, '...proposals dealing with public schools and matters related thereto.' In the instant case relative to this bill, it is related to school-related photography and regulations that are to be adopted by the State

Board of Education and setting forth certain standards to be met by the requirement of photography. It appears to the Speaker that it comes under the category of school-related activities and I am going to rule that it is in order."

Committee on Education recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-ninth Day, 2nd ex. sess., February 12, 1976.)

On motion of Mr. Bauer, the committee amendment to page 2, line 23 was adopted.

Mr. Bauer moved adoption of the committee amendment to page 2, line 26.

MOTION

Mr. Kuehnle moved that further consideration of Substitute Senate Bill No. 2689 be deferred and that it be made a special order of business at 2:00 p.m., Thursday, August 19, 1976.

Mr. Kuehnle spoke in favor of the motion, and it was lost.

The Speaker Pro Tem stated the question before the House to be the committee amendment to page 2, line 26.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mrs. Hayner.

Mrs. Hayner: "We're talking here about the 15% kickback to the school districts in grades K through 11, correct? This does not apply to senior pictures—that was not included or made available—yet what we are doing in this amendment is to say that fair compensation is working on the senior pictures for the yearbook. How do those two relate? It seems to me that there is a certain inconsistency there."

Mr. Bauer: "The committee amendment says, 'That fair compensation may include assistance in scheduling, organizing. . . ' and if we're looking on line 20 there we are talking about 'Nothing contained in subsections (4) and (5) shall preclude school districts from receiving economic or other benefit. . . ' Subsections (4) and (5) do include the 12th grade. It is in subsection (5) that we talk about the 12th grade senior graduation portraits."

Mr. Ehlers spoke in favor of the committee amendment, and Mrs. Hayner spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the committee amendment to page 2, line 26 of Substitute Senate Bill No. 2689, and the amendment was adopted by the following vote: Yeas, 54; nays, 36; not voting, 7.

Voting yea: Representatives Adams, Bauer, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Pardini, Parker, Perry, Randall, Sawyer, Seeberger, Sherman, Smith E. P., Sommers, Thompson, Whiteside, Wojahn.

Voting nay: Representatives Amen, Bagnariol, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Juelling, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Paris, Patterson, Peterson, Polk, Schumaker, Shinpoch, Tilly, Valle, Zimmerman.

Not voting: Representatives Barnes, Bausch, Kalich, Smith R., Warnke, Williams, Wilson.

Mrs. Hayner moved adoption of the following amendment:

On page 2, line 8 beginning with ": PROVIDED FURTHER" strike all material down to and including "photographer" on line 12.

Mrs. Hayner spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Ehlers yielded to question by Mr. Deccio.

Mr. Deccio: "Would this open the door to kickbacks from other vendors—those who supply gasoline, insurance, food and other items the school districts buy?"

Mr. Ehlers: "First of all I take offense to the word 'kickback.' No, it does not extend—it does not open it up to other than photography for providing some kind of service in return for an earned commission and it does not go beyond that. Although, Representative Deccio, I

think that even with just photography, it is a wide open question in terms of some other kinds of student sales and other things. I believe, as does Representative Hayner and others on this floor, that we are dealing with one item here. We have all kinds of student sales that go on where the consumer does not know, in fact, what they are buying. There isn't full disclosure and I certainly agree with that, but I don't think it's fair to throw this particular issue in the emotional term kickback. I just can't accept that."

Mr. Deccio spoke in favor of the amendment, and Mr. Ehlers spoke against it.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Fischer, Kalich and Williams, who were excused.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SUBSTITUTE SENATE BILL NO. 2130,
SUBSTITUTE SENATE BILL NO. 2243,
SENATE BILL NO. 3066.

SUBSTITUTE SENATE BILL NO. 2689:

The House resumed consideration of the bill on second reading.

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Hayner.

Representatives Hayner, Leckenby and Hurley (Margaret) spoke in favor of the amendment.

Mr. Charnley demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Hayner to Substitute Senate Bill No. 2689, and the amendment was adopted by the following vote: Yeas, 47; nays, 38; not voting, 12.

Voting yea: Representatives Adams, Amen, Barnes, Berentson, Bond, Brown, Ceccarelli, Chandler, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Jastad, Juelling, Knowles, Kuehne, Leckenby, Lee, Martinis, Matthews, McCormick, Nelson, Newhouse, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Seeburger, Tilly, Valle, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Erickson, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Kilbury, Laughlin, Lux, Lysen, Maxie, May, McKibbin, Moon, North, O'Brien, Osterman, Pardini, Perry, Randall, Sherman, Shipoch, Smith E. P., Thompson.

Not voting: Representatives Bausch, Blair, Fischer, Hansen, Kalich, King, Moreau, Sawyer, Smith R., Sommers, Warnke, Williams.

On motion of Mrs. Hayner, the following amendment was adopted:

On page 2, line 20 beginning with "Nothing contained" strike the remainder of the section.

Mr. Kuehne moved adoption of the following amendment:

On page 3, strike all of section 3 and renumber the remaining sections consecutively.

A division was requested.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kuehne to Substitute Senate Bill No. 2689, and the amendment was adopted by the following vote: Yeas, 60; nays, 26; not voting, 11.

Voting yea: Representatives Amen, Barnes, Becker, Berentson, Blair, Boldt, Bond, Ceccarelli, Chandler, Cochrane, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Freeman,

Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kilbury, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lysen, Matthews, Maxie, McCormick, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Smith R., Sommers, Tilly, Valle, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bender, Charette, Charnley, Clemente, Conner, Douthwaite, Fortson, Gaines, Gallagher, Gaspard, Haussler, Lux, Martinis, McKibbin, Moon, North, O'Brien, Osterman, Perry, Shipoch, Smith E. P., Thompson, Wojahn.

Not voting: Representatives Bausch, Brown, Fischer, Hurley G. S., Kalich, King, May, Moreau, Sawyer, Warnke, Williams.

On motion of Mr. Kuehnle, the following amendment to the title was adopted:
On line 3 of the title strike "; and declaring an emergency"

Substitute Senate Bill No. 2689 as amended by the Senate was passed to Committee on Rules for third reading.

MOTIONS

On motion of Mr. Thompson, the Committee on Ways and Means - Appropriations was relieved of the following bills and they were ordered placed on today's second reading calendar: HOUSE BILL NO. 1403, HOUSE BILL NO. 1440, HOUSE BILL NO. 1441, HOUSE BILL NO. 1507, HOUSE BILL NO. 1527 and HOUSE BILL NO. 1443.

On motion of Mr. Thompson, the Committee on Ways and Means was relieved of HOUSE BILL NO. 1502 and it was ordered placed on today's second reading calendar.

Mr. Thompson moved that House Bill No. 1502 be considered immediately.

Mr. Shipoch spoke in favor of the motion, and it was carried.

HOUSE BILL NO. 1502, by Representatives Bagnariol and Pardini (by Office of Program Planning and Fiscal Management and State Treasurer request):

Placing timber tax funds A and B into the state general fund.

The bill was read the second time.

Mr. Shipoch moved adoption of the following amendment:

On page 8, line 35 after "quarter." insert the following:

"NEW SECTION. Sec. 2. 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."

Mr. Shipoch spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Shipoch yielded to question by Mr. Moon.

Mr. Moon: "Presently under this bill the interest earned on the investment of these cash balances will be deposited in this new account. Where are they presently being deposited?"

Mr. Shipoch: "Currently the interest is being deposited in the timber tax fund and then under this bill it will be deposited in the timber tax account in the general fund, but the same amount of interest will accrue—the usage of that money and the interest will not change in any fashion."

Mr. Moon: "Will the interest be available more rapidly?"

Mr. Shipoch: "Not to the fund. It doesn't impact the fund, or the account as it will be called, in any way. It just makes it available to be counted as a portion of the general fund money."

The amendment was adopted.

On motion of Mr. Shipoch, the following amendment to the title was adopted:
On page 1, line 6 of the title after "RCW 84.33.080" insert "; and declaring an emergency"

House Bill No. 1502 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1502 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1502, and the bill passed the House by the following vote: Yeas, 89; nays, 0; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Kuehnl, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Brown, Fischer, Hurley G. S., Kalich, Martinis, Moreau, Sawyer, Williams.

Engrossed House Bill No. 1502, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Thompson moved that HOUSE BILL NO. 1627 be placed on the calendar for immediate consideration.

Mr. Curtis demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Fischer, Kalich and Williams.

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

The Speaker Pro Tem stated the question before the House to be the motion by Representative Thompson that House Bill No. 1627 be placed on the calendar for immediate consideration.

MOTION

Mr. Newhouse moved that the Thompson motion be amended to strike House Bill No. 1627 and insert House Bill No. 1624.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Representatives Pardini, Berentson, Hurley (Margaret), Haley, Curtis and Barnes spoke in favor of the motion to amend the Thompson motion, and Representatives Thompson, Shinpoch, Moon and Randall spoke against it.

ROLL CALL

The Clerk called the roll on the motion to amend the Thompson motion by striking House Bill No. 1627 and inserting House Bill No. 1624, and the motion was carried by the following vote: Yeas, 50; nays, 44; not voting, 3.

Voting yea: Representatives Adams, Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Juelling, Knowles, Kuehnl, Leckenby, Lee, Martinis, Matthews, McCormick, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Peterson, Polk, Sawyer, Schumaker, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Kilbury, King, Laughlin, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, O'Brien, Osterman, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke.

Not voting: Representatives Fischer, Kalich, Williams.

The Speaker Pro Tem stated the question now before the House was the motion to consider House Bill No. 1624 immediately.

ROLL CALL

The Clerk called the roll on the motion to place House Bill No. 1624 on the calendar for immediate consideration, and the motion was carried by the following vote: Yeas, 52; nays, 42; not voting, 3.

Voting yea: Representatives Adams, Amen, Barnes, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley M., Jueling, Knowles, Kuehnle, Leckenby, Lee, Martinis, Matthews, McCormick, Moreau, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Peterson, Polk, Sawyer, Schumaker, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Gaspard, Hanna, Hawkins, Hurley G. S., Jastad, Kilbury, King, Laughlin, Lux, Lysen, Maxie, May, McKibbin, Moon, O'Brien, Osterman, Perry, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke.

Not voting: Representatives Fischer, Kalich, Williams.

HOUSE BILL NO. 1624, by Representatives Bagnariol and Shipoch:

Relating to appropriations.

The House resumed consideration of the bill on second reading. (For previous action, see Journal, Forty-third Day, 2nd ex. sess., February 16, 1976.)

The Speaker Pro Tem stated the question before the House to the motion by Representative McKibbin for reconsideration of the vote by which the Parker amendment to page 15 of the committee amendment was adopted.

POINT OF ORDER

Mr. Parker: "Mr. Speaker, I'd like to raise the point of order that the reconsideration has to take place on the same day on which the motion was given and it's past that period of time, and therefore, is out of order."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Reed's Rule 205 states the motion to reconsider must be made on the day on which the action sought to revise was had. It also states that it has been laid down by very good authority that the motion to reconsider can be made at any time during the session—that is during the whole period for which the assembly sits. Also House Rule 46 state in part 'The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.' We adjourned, we moved from that order of business, pending the motion to reconsider. The bill is still on second reading and on the basis of previous rulings, the motion to reconsider is still pending. We are on the second reading of bills and the bill now is before us for reconsideration at the same stage of proceedings it was the other day when we finished and went off of it."

Representatives Kalich and Fischer appeared at the bar of the House.

Mr. McKibbin spoke in favor of the motion for reconsideration of the Parker amendment, and Representatives Parker and Deccio spoke against it.

MOTION

On motion of Mr. Thompson, Engrossed House Bill No. 1502 was ordered immediately transmitted to the Senate.

Mr. McKibbin spoke again in favor of the motion for reconsideration, and Mr. Barnes spoke against it.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which the House adopted the Parker amendment to page 15 of the committee amendment to House Bill No. 1624, and the motion was lost by the following vote: Yeas, 44; nays, 52; not voting, 1.

Voting yea: Representatives Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Flanagan, Hanna, Haussler, Hawkins, Hurley G. S., Kilbury, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, Newhouse, O'Brien, Perry, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke.

Voting nay: Representatives Adams, Amen, Barnes, Bond, Ceccarelli, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley,

Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Martinis, Matthews, McCormick, Nelson, North, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Sawyer, Schumaker, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representative Williams.

On motion of Mr. Parker, the following amendment by Representatives Parker, Paris, Fischer, Fortson, Deccio, North, Matthews, Gaines, Jastad, Gallagher, Laughlin, Sherman and Cochrane to the committee amendment was adopted:

On page 16, beginning with "General" on line 9 strike all material down to and including "1975:" on line 25 and insert the following:

"General Fund Appropriation—State	\$ 8,690,075
General Fund Appropriation—Federal	\$ 9,578,189
Total Appropriation	\$18,268,264

The total appropriations contained in this section shall be subject to the following condition and limitation:

Not more than \$15,768,264 (including \$8,378,189 from federal funds) shall be expended for increases in skilled nursing facility vendor rates:"

POINT OF PARLIAMENTARY INQUIRY

Mr. Bagnariol: "We have a number of members who apparently have amendments to the budget document who are not here. If we are past that section, will we be able to come back to amend the section?"

The Speaker Pro Tem: "Yes, you may."

Mr. Pardini moved adoption of the following amendment to the committee amendment: On page 1, line 14 strike all of section 2, and renumber the remaining sections consecutively.

Mr. Pardini spoke in favor of the amendment, and Mr. Shinpoch spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Pardini to page 1, line 14 of the committee amendment to House Bill No. 1624, and the amendment was not adopted by the following vote: Yeas, 38; nays, 58; not voting, 1.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gaines, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Juelling, Kuehnle, Leckenby, Lee, Martinis, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Parker, Perry, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Wojahn.

Not voting: Representative Williams.

Mr. Haley moved adoption of the following amendment to the committee amendment: On page 7, line 13 strike all of section 11, and renumber the remaining sections consecutively.

Mr. Haley spoke in favor of the amendment, and Mr. Bagnariol spoke against it.

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "Has this legislature ever created the Women's Council?"

Mr. Bagnariol: "I don't believe they've been created statutorily by the legislature, but it did pass the House. I don't think it passed the Senate."

Mr. Kuehnle spoke in favor of the amendment.

The amendment was not adopted.

On motion of Mr. Warnke, the following amendment to the committee amendment was adopted:

On page 16, following section 29 insert a new section as follows:

"NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOSTER FAMILY CARE—VOLUNTARY AGENCIES

The department of social and health services shall from funds appropriated for community social services - family and children's services in chapter 269, Laws of 1975 1st ex. sess. allocate and expend from

those funds the amount of \$400,000 or so much thereof as shall be necessary to restore vendor rates to the levels existing prior to the 5.2 percent reduction imposed in July 1975."

Renumber the remaining sections consecutively.

Mr. Hansey moved adoption of the following amendment:

On page 20, line 16 strike section 38, and renumber the remaining sections consecutively.

Mr. Hansey spoke in favor of the amendment, and Mr. Hurley (George) spoke against it.

Mr. Hansey again spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Hansey to page 20, striking section 38 from the committee amendment, and the amendment to the amendment was not adopted by the following vote: Yeas, 41; nays, 55; not voting, 1.

Voting yea: Representatives Amen, Bausch, Berentson, Blair, Bond, Brown, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Jastad, Jueling, Kalich, Kuehnie, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Polk, Sawyer, Schumaker, Tilly, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Barnes, Bauer, Becker, Bender, Boldt, Ceccarelli, Chandler, Charette, Charney, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Perry, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Wojahn.

Not voting: Representative Williams.

On motion of Mr. Moon, the following amendment by Representatives Moon, Clemente, Laughlin, Berentson, Hansey, Fischer, Fortson, Haussler and Matthews to the committee amendment was adopted:

On page 20, after line 22 insert a new section as follows:

"NEW SECTION, Sec. 39. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation	\$500,000
Total Appropriation	\$500,000

The appropriation contained within this section shall be expended exclusively for flood control maintenance."

Renumber the remaining sections consecutively.

Mr. Kilbury moved adoption of the following amendment by Representatives Kilbury and Hayner to the committee amendment:

On page 20, line 31 insert the following:

"NEW SECTION, Sec. 40. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation	\$ 6,000
Total Appropriation	\$ 6,000

The Appropriation contained in this section shall be spent exclusively for water master services in Walla Walla County."

Renumber the remaining sections consecutively.

Representatives Kilbury and Hayner spoke in favor of the amendment.

The amendment was adopted.

MOTION

On motion of Mr. Bagnariol, Representative Ceccarelli was excused from further proceedings under the Call of the House.

Mr. Amen moved adoption of the following amendment to the committee amendment:

On page 21, line 25 strike all of section 42 and renumber the remaining sections consecutively.

Representative Amen spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Leckenby.

Mr. Leckenby: "How would the \$135,000 be used? Would it be used for additional personnel within the department, or would it be used for a consultant? If so, how would a consultant operate?"

Mr. Bagnariol: "They would very likely put out a request for proposals to consultants and then end up retaining a consultant as well as using their own staff to help develop the

program, but the final version of exactly what they're going to do will not be developed until such time as the appropriation passes."

Mr. Martinis spoke in favor of the amendment, and Mr. Leckenby spoke against it.

Mr. Amen spoke again in favor of the amendment.

The amendment was not adopted.

The Clerk read the following amendment by Representative Parker to the committee amendment:

On page 10, lines 35 and 36, strike "123,033" and insert "231,001"

Mr. Parker moved adoption of the amendment and spoke in favor of it.

Mr. Curtis spoke against it, and the amendment to the committee amendment was not adopted.

The Clerk read the following amendment by Representative Parker to the committee amendment:

On page 11, line 15 insert "(3) Not more than \$107,968 shall be expended within the banking program."

POINT OF ORDER

Mr. Shinpoch: "I don't remember the number of the bill, but the bill that accomplishes this item that Representative Parker is attempting to put on the budget was heard in Ways and Means - Appropriations Committee, and my understanding is that under the rules that's not a proper amendment."

Mr. Parker: "Mr. Speaker, Representative Shinpoch is correct in terms of the subject of a bill, but not in terms of the dollar amounts nor the structure of the amendment. The bill that I presented was for about \$225,000. This is for \$107,000 and is separate from the bill that was before his committee."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Apparently, Representative Shinpoch, this is a matter of increasing the amount of appropriations and setting forth the amount of \$107,968 to be expended within the banking program, which is an appropriation item and doesn't pertain really to the bill that's pending before your committee."

With the consent of the House, Mr. Parker withdrew the amendment.

Mr. Matthews moved adoption of the following amendment by Representatives Matthews and Brown to the committee amendment:

On page 14, following line 8 add a new section as follows:

"NEW SECTION. Sec. 26. It is the intent of the legislature that 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."

Renumber the remaining sections consecutively.

Representatives Matthews and Brown spoke in favor of the amendment.

MOTION

On motion of Mr. Curtis, Representatives Berentson and Hansey were excused from the Call of the House.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Matthews and Brown to the committee amendment to House Bill No. 1624, and the amendment to the committee amendment was adopted by the following vote: Yeas, 54; nays, 39; not voting, 4.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bender, Blair, Bond, Brown, Chandler, Charnley, Clemente, Conner, Curtis, Deccio, Dunlap, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gilleland, Greengo, Haussler, Hayner, Jastad, Juelling, Kalich, Kuehnle, Laughlin, Leckenby, Lee, Matthews, McKibbin, Moon, Nelson, Newhouse, Pardini, Paris, Patterson, Perry, Peterson, Polk, Sawyer, Schumaker, Sherman, Shinpoch, Sommers, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bausch, Becker, Boldt, Charette, Cochrane, Douthwaite, Ehlers, Eng, Gaines, Gallagher, Gaspard, Haley, Hanna, Hansen, Hawkins, Hendricks, Hurley G. S., Hurley M., Kilbury, King, Knowles, Lux, Lysen, Martinis, Maxie, May, McCormick, Moreau, North, O'Brien, Osterman, Parker, Randall, Seeburger, Smith E. P., Smith R., Thompson, Wojahn.

Not voting: Representatives Berentson, Ceccarelli, Hansey, Williams.

On motion of Mr. Matthews, the following amendment to the committee amendment was adopted:

On page 15, following line 30 insert a new subsection as follows:

"(3) For the remainder of the 1975-77 biennium, beginning April 1, 1976, the department shall utilize \$150,000 to purchase personal special care (on a pilot study basis pursuant to RCW 74.10.390) for recipients who suffer from mental disorders residing in a facility providing 'Congregate Care.' The department may utilize the rule making authority provided under RCW 74.08.043, .044, .045 and .090 to define the personal and special care such recipients may obtain utilizing such services during the term of such study."

Mr. Douthwaite moved adoption of the following amendment by Representatives Douthwaite, Lux, Hanna and Valle to the committee amendment:

On page 15, line 34 before "Special Projects" insert "(1)" and

On page 16, after line 4 insert a new subsection (2) as follows:

"(2) Family and Children Services

General Fund Appropriation—State \$3,475,000

Total Appropriation \$3,475,000

The total appropriation contained in this subsection shall be used exclusively to expand day care programs to households with employed heads whose income is less than or equal to fifty percent of the state median income."

Mr. Douthwaite spoke in favor of the amendment, and Mr. Bagnariol spoke against it.

POINT OF INQUIRY

Mr. Douthwaite yielded to question by Ms. Lee.

Ms. Lee: "In order to act intelligently on this, I wonder if you could tell us two things. One, what is the state median income and how many additional people will be eligible if we approve this particular item?"

Mr. Douthwaite: "The median income for a family of four is \$14,034 per year and the answer to your second question is that this would add an estimated 1,920 cases to the present day care support."

Mr. Lux spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Douthwaite yielded to question by Mr. Deccio.

Mr. Deccio: "How many households are there now and how many would be left if this amendment passes?"

Mr. Douthwaite: "Do you mean how many households exist in the state of Washington now?"

Mr. Deccio: "No, how many households are there that come under this category and how many will this \$3,475,000 take care of and how many will be left?"

Mr. Douthwaite: "The total amount that we are spending for this service in the state of Washington presently is \$55 million per year. So you can divide that by the average support that the day care families receive and find the number of families. I don't have that particular figure for you."

Mr. Deccio: "We are adding \$3,475,000 to the existing \$55 million?"

Mr. Douthwaite: "Yes, that's about a six percent increase."

Mr. Douthwaite spoke again in favor of the amendment, and Mr. Curtis spoke against it.

A division was requested.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Douthwaite and others to page 15, line 34 of the committee amendment, and the amendment was not adopted by the following vote: Yeas, 41; nays, 52; not voting, 4.

Voting yea: Representatives Bausch, Becker, Bender, Boldt, Brown, Chandler, Charnley, Clemente, Cochrane, Conner, Douthwaite, Dunlap, Ehlers, Eng, Gaines, Haley, Hanna, Hawkins, Hayner, Hurley G. S., Kilbury, King, Laughlin, Lux, Lysen, Maxie, Moon, North, O'Brien, Pardini, Perry, Peterson, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Valle, Warnke, Wojahn, Zimmerman.

Voting nay: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Blair, Bond, Charette, Curtis, Deccio, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Hansen, Haussler, Hendricks, Hurley M., Jastad, Jueling, Kalich, Knowles, Kuehnle, Leckenby,

Lee, Martinis, Matthews, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, Osterman, Paris, Parker, Patterson, Polk, Randall, Sawyer, Schumaker, Smith E. P., Thompson, Tilly, Whiteside, Wilson.

Not voting: Representatives Berentson, Ceccarelli, Hansey, Williams.

Mr. Warnke moved adoption of the following amendment to the committee amendment: On page 3, line 20 strike "26,296,360" and insert "40,184,928"

Mr. Warnke spoke in favor of the amendment, and Mr. Polk spoke against it.

Mr. Charnley demanded an electric roll call and the demand was sustained.

Mrs. Hurley (Margaret) spoke against adoption of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Warnke to page 3, line 20 of the committee amendment, and the amendment was adopted by the following vote: Yeas, 62; nays, 31; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Blair, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, Moon, Moreau, Nelson, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Thompson, Valle, Warnke, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Barnes, Becker, Boldt, Bond, Curtis, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Haley, Hansen, Hayner, Hurley M., Jastad, Juelling, Kalich, Kuehnle, Leckenby, Lee, Matthews, McKibbin, Newhouse, Polk, Schumaker, Smith E. P., Smith R., Sommers, Tilly, Whiteside.

Not voting: Representatives Berentson, Ceccarelli, Hansey, Williams.

On motion of Mr. Bausch, the following amendment by Representatives Bausch and Hendricks to the committee amendment was adopted:

On page 3, line 21 strike "1,060,845" and insert "2,180,000"

MOTION

Mr. Kuehnle moved that the Rules Committee be relieved of House Bill No. 1625 and that it be placed on the second reading calendar for immediate consideration.

Mr. Kuehnle spoke in favor of the motion, and Mr. Thompson spoke against it.

ROLL CALL

The Clerk called the roll on the motion to relieve the Rules Committee of House Bill No. 1625 and place it on the second reading calendar for immediate consideration, and the motion was lost by the following vote: Yeas, 35; nays, 58; not voting, 4.

Voting yea: Representatives Amen, Barnes, Becker, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Freeman, Gaspard, Gilleland, Greengo, Haley, Hayner, Hendricks, Juelling, Kalich, Kuehnle, Leckenby, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Parker, Perry, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Wojahn.

Not voting: Representatives Berentson, Ceccarelli, Hansey, Williams.

Mr. Bausch moved adoption of the following amendments by Representatives Bausch and Hendricks to the committee amendment:

On page 3, line 23 strike "9,234,040" and insert "16,975,000"

On page 3, line 24 strike "36,591,245" and insert "59,315,000"

On page 3, line 31 strike "27,357,205" and insert "42,340,000"

On page 3, line 32 strike "1,060,845" and insert "2,180,000"

Mr. Bausch spoke in favor of the amendments to the committee amendment.

MOTION

Mr. Pardini, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the Bausch/Hendricks amendment to page 3, line 21 was adopted.

Representatives Pardini and Bausch spoke in favor of the motion, explaining that the amendments to page 3 should all be considered together, and the motion was carried.

The Speaker Pro Tem stated the question before the House to be the amendments to page 3 by Representatives Bausch and Hendricks.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Bausch and Hendricks to page 3 of the committee amendment, and the amendments were adopted by the following vote: Yeas, 63; nays, 30; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Blair, Boldt, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Hanna, Hansen, Hausler, Hawkins, Hendricks, Hurley G. S., Hurley M., Kalich, Kilbury, King, Knowles, Laughlin, Lux, Martinis, Maxie, May, McCormick, Moon, Moreau, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Randall, Sawyer, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Barnes, Becker, Bond, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Haley, Hayner, Jastad, Jueling, Kuehnle, Leckenby, Lee, Lysen, Matthews, McKibbin, Nelson, Newhouse, Pardini, Polk, Schumaker, Smith R., Tilly, Whiteside, Wilson.

Not voting: Representatives Berentson, Ceccarelli, Hansey, Williams.

POINT OF INFORMATION

Mr. Amen: "Mr. Speaker, could you or somebody on the floor tell us how much we have increased this budget? I think we should know whether we have any money left or not."

The Speaker Pro Tem called on Mr. Bagnariol.

Mr. Bagnariol: "So far you have increased it by \$36 million."

On motion of Mr. Bausch, the following amendments by Representatives Bausch and Hendricks were adopted:

On page 3, line 35 after "to" strike everything down to and including "classified service," on page 4, line 1.

On page 4, line 5 after "Patrol" insert the following "and to implement effective July 1, 1976, the 1975/76 salary survey findings, based on prevailing rates of private and governmental employees, as finally adopted by the State Personnel Board and Higher Education Personnel Board, for state classified employees and higher education classified employees and those exempt state employees aligned with classified state employees"

On page 4, line 6 strike "9,234,040" and insert "16,975,000"

On page 4, line 10 after "to" strike everything down to and including "classified service," on line 12

On page 4, line 16 after "Patrol" insert "and to implement effective July 1, 1976, the 1975/76 salary survey findings, based upon prevailing rates of private and governmental employees, as finally adopted by the State Personnel Board and Higher Education Personnel Board, for state classified employees, higher education classified employees and those exempt state employees aligned with classified state employees"

On motion of Mr. Warnke, the following amendment was adopted:

On page 4, after line 5 insert:

"(2) Not more than \$13,888,568 from the state general fund shall be expended to provide a 8.4 percent salary increase, effective September 1, 1976, to common school classified employees."

Re-number the remaining subsections consecutively.

Mr. Tilly moved adoption of the following amendment to the committee amendment:

On page 13, following section 24 add a new section as follows:

"NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

The department of social and health services is authorized to transfer up to five percent of the amount appropriated by chapter 269, Laws of 1975 1st ex. sess. and other subsequent acts for any specific program or programs upon review and approval by the office of program planning and fiscal management. If any transfers between programs, up to the limits authorized by this section are made, the office of program planning and fiscal management shall report the amount and purpose of any such transfer to the standing ways and means committees at the beginning of each session of the legislature: PROVIDED FURTHER, That the department may not implement a twice monthly payment program and that the department shall be deemed to have received the necessary approvals for the release of funds appropriated by section 62, chapter 269, Laws of 1975 1st ex. sess: PROVIDED, That the department may make payment of proper claims which have been timely filed pursuant to RCW 74.09.160 even though such claims are for services rendered in a prior biennium."

Re-number the remaining sections consecutively.

Mr. Tilly spoke in favor of the amendment, and Mr. Shipoch spoke against it.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Curtis.

Mr. Curtis: "I know that the authorization for this is up to \$10 million. How much is renewal so far?"

Mr. Shinpoch: "I think the answer is none."

The amendment was not adopted.

Mr. Parker moved adoption of the following amendments by Representatives Parker, Deccio, Fortson, Paris, North and Hayner to the committee amendment:

On page 15, line 23 after "rates:" insert "PROVIDED, That the department shall, by rule and regulation, make provision for the receipt of voluntary contributions made by persons on behalf of patients of intermediate care facilities for the care and treatment of such patients. No intermediate care facility shall discriminate against any patient based upon the failure or refusal to make any contribution on behalf of such patient."

On page 16, line 18 after "rates:" insert "PROVIDED, That the department shall, by rule and regulation, make provision for the receipt of voluntary contributions made by persons on behalf of patients of skilled nursing homes for the care and treatment of such patients. No nursing home shall discriminate against any patient based upon the failure or refusal to make any contribution on behalf of such patient."

Mr. Parker spoke in favor of the amendments.

Representative Ceccarelli appeared at the bar of the House.

POINT OF INQUIRY

Mr. Parker yielded to question by Mr. Shinpoch.

Mr. Shinpoch: "Representative Parker, do you know whether this is legal under federal law?"

Mr. Parker: "Our staff who researched this said that it was a federal regulation that prevented it—not federal law, so that we could ask for a waiver. I'm not certain if we would be able to do it if the waiver were denied. That would put us in a case; however, there is a new secretary of HEW that has come on board since this actually was adopted because of abuses in, I believe, several southern states where they were discriminating because an individual was told that if his family wouldn't help with his support he couldn't stay in a certain nursing home. What our staff says to me is that there is no guarantee that we could do it, we'd have to ask for a waiver, but if our rules and regulations say that there were no abuses it would be possible to get that waiver."

Mr. Shinpoch spoke against adoption of the amendments.

Mr. Matthews spoke in favor of the amendments, and Mr. Shinpoch again spoke against them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Parker to the committee amendment, and the amendments were adopted by the following vote: Yeas, 52; nays, 42; not voting, 3.

Voting yea: Representatives Adams, Barnes, Bauer, Blair, Bond, Brown, Ceccarelli, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hayner, Hendricks, Hurley M., Juelling, Kalich, King, Kuehne, Leckenby, Lee, Lux, Martinis, Mathews, May, McKibbin, Nelson, Newhouse, North, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Sawyer, Schumaker, Smith E. P., Tilly, Whiteside, Wilson.

Voting nay: Representatives Amen, Bagnariol, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Flanagan, Hanna, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, Knowles, Laughlin, Lysen, Maxie, McCormick, Moon, Moreau, O'Brien, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Valle, Warnke, Wojahn, Zimmerman.

Not voting: Representatives Berentson, Hansey, Williams.

On motion of Mr. Bagnariol, the following amendment to the committee amendment was adopted:

On page 16, after line 29 insert a new section as follows:

"NEW SECTION, Sec. 30. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY	
General Fund Appropriation—State	\$112,000
Total Appropriation	\$112,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$112,000 of this appropriation shall be expended exclusively for comprehensive health planning activities during fiscal year 1977.

(2) The comprehensive health planning activities for which this appropriation is made shall include, but not be limited to:

(a) Coordinate health services, manpower and other resources to meet the identified needs for the purposes of improving the health of Washington residents, increasing accessibility, acceptability, availability, continuity, and quality of health services; and encouraging improved distribution of health manpower and other resources in order to prevent unnecessary duplication.

(b) In connection with this responsibility, the state planning agency shall directly, or through contractual arrangements with public or private nonprofit agencies:

(i) Assist, in cooperation with appropriate regional planning, development and regulatory agencies, cities, towns, and counties, singly or jointly, in attracting and retaining health care personnel and developing community health care through mechanisms that bring economies of cost and personnel;

(ii) Monitor and evaluate the results of these health manpower programs designed to accomplish established objectives.

(3) If the governor shall designate a state health planning and development agency pursuant to the provisions of the national health planning and resources development act of 1974 (P.L. 93-641) other than the planning and community affairs agency, the governor shall direct the office of program planning and fiscal management to transfer the unexpended portion of this appropriation to the designated agency."

Renumber the remaining sections consecutively.

Mr. Deccio moved adoption of the following amendment to the committee amendment:
On page 20, line 23 strike all of section 39 and renumber the remaining sections consecutively.

Mr. Deccio spoke in favor of the amendment.

POINT OF PARLIAMENTARY INQUIRY

Mr. Kilbury: "I was successful in placing an amendment in this section at an earlier hour, and this proposes to strike all of the section. I was wondering if the effect of this amendment would be to strike my amendment out?"

The Speaker Pro Tem: "Mr. Kilbury, are you speaking of your amendment to page 20, line 21?"

Mr. Kilbury: "The amendment I'm speaking of is to the Department of Ecology, \$6,000 for water master in Walla Walla County."

The Speaker Pro Tem: "This amendment will not affect your amendment."

Representatives Valle and Zimmerman spoke against the Deccio amendment to the committee amendment, and it was not adopted.

Mr. Douthwaite moved adoption of the following amendment by Representatives Douthwaite and Peterson to the committee amendment:

On page 24, line 4 strike all of section 47 and renumber the remaining sections consecutively.

Mr. Douthwaite spoke in favor of the amendment to the amendment, and Representatives Curtis and Hansen spoke against it.

The amendment was not adopted.

Mr. Shinpoch moved adoption of the following amendments by Representatives Shinpoch, Ehlers and Erickson to the committee amendment:

On page 24, line 22 and line 24 strike "1,079,372,315" and insert "1,086,819,296"

On page 25, beginning on line 16 strike "~~(1975-77 biennium)~~ 1975-76 program year" and insert "1975-77 biennium"

On page 27, beginning on line 7 strike all of subsection (5) and renumber the remaining subsections consecutively.

On page 28 after line 30 insert:

"NEW SECTION. Sec. 49. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation	\$ 5,000
Total Appropriation	\$ 5,000

The superintendent of public instruction shall expend the appropriation contained in this section in order to submit to the governor and the 1977 session of the legislature a 1977-79 biennium budget request for general apportionment on the basis of the following formula: PROVIDED, That the superintendent of public instruction shall inform the school districts of the proposed implementation of the following formula for purposes of determining such districts' special levy submission for 1978 collection:

(1) The superintendent of public instruction, during the 1977-79 biennium, shall compute the apportionment of funds for each school district based on the following formula:

(a) The superintendent of public instruction shall determine the total apportionment funds available for general distribution.

(b) The superintendent of public instruction shall determine each school district's average annual full time equivalent student enrollment and the statewide total average annual full time equivalent student enrollment.

(c) The superintendent of public instruction shall determine the state support per average annual full time equivalent student by dividing the total apportionment funds available for general distribution by the statewide total average annual full time equivalent enrollment.

(d) The superintendent of public instruction shall determine each school district's share of the total apportionment funds available for general distribution by multiplying each district's total average annual full time equivalent student enrollment by the state support per average annual full time equivalent student as determined in subsection (c) of this section."

Renumber the remaining sections consecutively.

On page 30, beginning on line 5 strike all of section 51 and renumber the remaining sections consecutively.

Mr. Shinpoch spoke in favor of the amendments.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Zimmerman.

Mr. Zimmerman: "I appreciate your explanation, but in connection with page 30, new section 51, where you strike the small district grant program of \$3,172,000, your figures don't indicate what was happening there regarding the small schools, and I was wondering if you could elaborate a bit so we could understand it."

Mr. Shinpoch: "Yes, the difference between the \$1,070,000 and the \$1,086,000 is \$16,000,000. The three million you are speaking of goes in with the \$13 million to assure the \$16 million. I'm sorry that I wasn't more coherent. It puts it back as it is."

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Blair.

Mr. Blair: "Perhaps I'm not hearing correctly, but it seems to me you've been saying this amendment would increase the appropriation from \$1.079 million to \$1.086 million. I think that's the billion you are referring to."

Mr. Shinpoch: "I apologize, it's one billion seventy million to one billion eighty-six million."

Representatives King and Valle spoke against the amendments.

POINT OF PARLIAMENTARY INQUIRY

Mr. Ehlers: "My understanding then, if the Shinpoch amendments were to pass, it would preclude Mr. King from offering his amendment. Is that correct?"

The Speaker Pro Tem: "If this amendment is adopted, the other amendment would not be considered."

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Shinpoch, Ehlers and Erickson to the committee amendment, and the amendments were not adopted by the following vote: Yeas, 36; nays, 58; not voting, 3.

Voting yea: Representatives Amen, Bagnariol, Bausch, Blair, Conner, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Erickson, Flanagan, Greengo, Haley, Hanna, Hawkins, Hendricks, Jueling, Kilbury, Knowles, Kuehnie, Leckenby, Lee, Matthews, Nelson, Newhouse, Paris, Patterson, Polk, Schumaker, Shinpoch, Thompson, Tilly, Warnke, Wilson, Zimmerman.

Voting nay: Representatives Adams, Barnes, Bauer, Becker, Bender, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Douthwaite, Eng, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Hansen, Haussler, Hayner, Hurley G. S., Hurley M., Jastad, Kalich, King, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Pardini, Parker, Perry, Peterson, Randall, Sawyer, Seeberger, Sherman, Smith E. P., Smith R., Sommers, Valle, Whiteside, Wojahn.

Not voting: Representatives Berentson, Hansey, Williams.

MOTION

Mr. Hansen moved that the House dispense with further business under the Call of the House.

The motion was lost.

On motion of Mr. King, the following amendments by Representatives King, Brown and Valle were adopted:

On page 24, lines 22 and 24 strike "1,079,372,315" and insert "1,086,819,296"

On page 25, beginning on line 16 strike "~~(1975-77 biennium)~~ 1975-76 program year" and insert "1975-77 biennium"

On page 27, beginning on line 7 strike all of subsection (5) and renumber the remaining subsections consecutively.

On page 28, after line 30 insert:

"NEW SECTION. Sec. 49. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation \$ 5,000

Total Appropriation \$ 5,000

The superintendent of public instruction shall submit a report to the 1977 session of the legislature which shall include recommendations for any appropriate changes to the current funding model and distribution formula for general apportionment. The superintendent of public instruction shall include in this report a study of the impact on local school districts of implementing the following distribution formula in the 1978-79 school year.

(1) The superintendent of public instruction shall compute the apportionment of funds for each school district based on the following formula:

(a) The superintendent of public instruction shall determine the total apportionment funds available for general distribution.

(b) The superintendent of public instruction shall determine each school district's average annual full time equivalent student enrollment and the state-wide total average annual full time equivalent student enrollment.

(c) The superintendent of public instruction shall determine the state support per average annual full time equivalent student by dividing the total apportionment funds available for general distribution by the state-wide total average annual full time equivalent enrollment.

(d) The superintendent of public instruction shall determine each school district's share of the total apportionment funds available for general distribution by multiplying each district's total average annual full time equivalent student enrollment by the state support per average annual full time equivalent student as determined in subsection (c) of this section."

On page 30, beginning on line 5 strike all of section 51 and renumber the remaining sections consecutively.

Mr. Eng moved adoption of the following amendment to the committee amendment by Representatives Eng, Maxie, Douthwaite, Laughlin, Cochran, Chandler, Haussler, Hanna, Sommers, Fischer, Lux, Charette, Osterman, Greengo, Peterson, Lee, Williams, Charnley, Seeberger, Whiteside, Lysen and Thompson:

On page 29, line 3 after "2nd ex. sess." insert ": PROVIDED, That not more than 7.8 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 with a relatively high percentage of urban, rural, racial and disadvantaged children."

Representatives Eng and Maxie spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Eng yielded to question by Mr. Curtis.

Mr. Curtis: "Under your language, I'm trying to figure it out—you're speaking of allocated \$7.8 million to districts which have submitted but failed to authorize one or more excess levies for maintenance and operations in 1976. Would that mean that a district that had offered a levy, and it failed, offered it a second time and it passed, be eligible for the \$7.8 million?"

Mr. Eng: "In Seattle what happened was that we offered that levy last year for operations for this year and it failed the first time, and it failed again, and so it qualifies under that."

Mr. Curtis: "I understand that, except that the way your language is drafted, it says fails to authorize one or more. I don't know the number of school districts around the state that offered a levy that failed. They offered it the second time, as you can under the law, and it passed, and subsequently they have this special levy money. As I read your amendment then you would be allowing any of those districts that are highly impacted with a high percentage of urban or rural disadvantaged to qualify for the \$7.8 million. I think you're diluting your effort to get more money for Seattle because of the number of school districts around the state that would then qualify."

Mr. Eng: "That's true. There's about seven of them. That means about \$7 million for Seattle from the \$7.8 million, and it's spread out throughout the state on the rest of it."

Mr. Curtis spoke in opposition to the amendment to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Eng and others to the committee amendment to House Bill No. 1624, and the amendment was adopted by the following vote: Yeas, 53; nays, 41; not voting, 3.

Voting yea: Representatives Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Eikenberry, Eng, Fischer, Gaines, Greengo, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Maxie, May, Moon, North, O'Brien, Osterman, Pardini, Paris, Perry, Peterson, Randall, Seeberger, Sherman, Smith R., Sommers, Thompson, Valle, Warnke, Wilson, Zimmerman.

Voting nay: Representatives Adams, Amen, Bagnariol, Bond, Curtis, Deccio, Dunlap, Ehlers, Erickson, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Haley, Hansen, Hayner, Hurley M., Jastad, Juelling, Kalich, Kilbury, Kuehnle, Martinis, Matthews, McCormick, McKibbin, Moreau, Nelson, Newhouse, Parker, Patterson, Polk, Sawyer, Schumaker, Shipoch, Smith E. P., Tilly, Whiteside, Wojahn.

Not voting: Representatives Berentson, Hansey, Williams.

On motion of Mr. Bagnariol, the following amendment by Representatives Bagnariol and Shipoch to the committee amendment was adopted:

On page 25, after line 7 insert:

"(4) The superintendent of public instruction is hereby authorized to direct 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 program 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 program year exceed the average salary increase amount authorized for state employees during the 1975-76 fiscal year."

Mrs. Hurley (Margaret) moved adoption of the following amendments to the committee amendment:

On page 29, line 7 strike "242,531" and insert "166,351"

On page 29, line 8 strike "242,531" and insert "166,351"

On page 29, beginning on line 15 strike all of subsection (1) and renumber the remaining subsections consecutively.

Mrs. Hurley (Margaret) spoke in favor of the amendments, and Representatives Shipoch and Ehlers spoke against them.

Mrs. Hurley (Margaret) spoke again in favor of the amendments, and Mrs. Wojahn spoke against them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Hurley (Margaret) to the committee amendment, and the amendments were not adopted by the following vote: Yeas, 35; nays, 59; not voting, 3.

Voting yea: Representatives Amen, Barnes, Blair, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansen, Hayner, Hurley M., Juelling, Kalich, Kuehnle, Leckenby, Lee, Matthews, May, Nelson, Paris, Patterson, Polk, Randall, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Jastad, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Perry, Peterson, Sawyer, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Wojahn.

Not voting: Representatives Berentson, Hansey, Williams.

On motion of Mr. Warnke, the following amendment to the committee amendment was adopted:

On page 30, lines 35 and 36 strike "61,699,889" and insert "67,678,890"

The Clerk read the following amendment by Representative Bauer to the committee amendment:

On page 33, line 22 after "program" insert "PROVIDED, That the commission for vocational education, by no later than July 1, 1976, shall implement the staffing recommendations as provided in the January 1, 1976 report to the legislature by the office of program planning and fiscal management: PROVIDED FURTHER, That the positions for fire service training funded by the appropriation in this section shall be in addition to the positions approved in the January 1, 1976 report"

With the consent of the House, Mr. Bauer withdrew the amendment.

On motion of Mr. Thompson, Mr. Hansen was excused from the Call of the House.

Mr. Barnes moved adoption of the following amendment to the committee amendment:
On page 33 strike all of section 60 and renumber the remaining sections consecutively.

Mr. Barnes spoke in favor of the amendment, and Representatives Douthwaite and Charette spoke against it.

Mr. Barnes again spoke in favor of the amendment to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Barnes to the committee amendment to House Bill No. 1624, and the amendment was not adopted by the following vote: Yeas, 23; nays, 70; not voting, 4.

Voting yea: Representatives Barnes, Bender, Bond, Curtis, Dunlap, Flanagan, Freeman, Gilleland, Haley, Hayner, Hendricks, Jastad, Jueling, Kuehne, Leckenby, Lysen, Matthews, Pardini, Parker, Sawyer, Smith R., Tilly, Whiteside.

Voting nay: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charney, Clemente, Cochrane, Conner, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Hanna, Haussler, Hawkins, Hurley G. S., Hurley M., Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Berentson, Hansen, Hansey, Williams.

STATEMENT FOR THE JOURNAL

I wish to change my vote from No to Yes on the amendment by Representative Barnes striking section 60, regarding Fort Lawton Center.

ALEX DECCIO, 15th District.

Mr. Kilbury moved adoption of the following amendment by Representatives Kilbury and Hayner to the committee amendment:

On page 34, line 8 after "secured." insert the following:

"NEW SECTION. Sec. 61. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation \$ 90,000

Total Appropriation \$ 90,000

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively for a grant to the Walla Walla Trails West Program."

Renumber the remaining sections consecutively.

Representatives Kilbury and Hayner spoke in favor of the amendment to the committee amendment, and it was adopted.

On motion of Mr. Conner, the following amendment to the committee amendment was adopted:

On page 32, after line 12 insert:

"NEW SECTION. Sec. 55. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION - FOR THE GIFTED STUDENTS PROGRAM

General Fund Appropriation \$1,037,500

Total Appropriation \$1,037,500"

Mr. Pardini moved adoption of the following amendment by Representatives Pardini and King:

On page 36, section 63, line 6 strike ". Controls" and insert "((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"

Mr. Pardini spoke in favor of the amendment, and Mr. Hendricks spoke against it.

The amendment to the committee amendment was adopted.

MOTION FOR RECONSIDERATION

Mr. Bausch, having voted on the prevailing side, moved that the House now reconsider the vote by which the amendment by Representative Warnke to page 3, line 20 and the Bausch/Hendricks amendment to page 3, line 24 were adopted, and that an amendment by Representatives Bausch, Warnke and Hendricks be considered in lieu thereof.

The motion was carried.

On motion of Mr. Bausch, the following amendments by Representatives Bausch, Warnke and Hendricks to the committee amendment were adopted:

On page 3, line 20 strike "26,296,360" and insert "54,048,568"

On page 3, line 24 strike "36,591,245" and insert "73,203,568"

Mr. Polk moved adoption of the following amendment to the committee amendment to House Bill No. 1624:

On page 1 of the printed committee amendment, beginning with line 4, strike the remainder of the amendment 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 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 SUPREME COURT

General Fund Appropriation	\$	15,271
Total Appropriation	\$	15,271

The appropriation contained in this section shall be expended exclusively for expenses incurred in appellate review of indigent cases.

NEW SECTION. Sec. 3. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	63,771
Total Appropriation	\$	63,771

The appropriation 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 \$25,000 shall be expended for criminal cost bills.
- (2) Not more than \$38,771 shall be expended for the additional superior court judge in Whatcom county provided for in chapter 49, Laws of 1975 1st ex. sess.

NEW SECTION. Sec. 4. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$	26,296,360
General Fund Appropriation—Federal	\$	1,060,845
Special Fund Salary Increase Revolving Fund Appropriation	\$	9,234,040
Total Appropriation	\$	36,591,245

The appropriation 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 \$27,357,205 general fund moneys (including \$1,060,845 in federal funds) shall be expended to provide a 5 percent salary increase effective July 1, 1976, 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, and commissioned members and cadets of the Washington State Patrol.

(2) Not more than \$9,234,040 in Special Fund Salary Increase Revolving Fund moneys shall be expended to provide a 5 percent salary increase effective July 1, 1976, 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, and commissioned members and cadets of the Washington State Patrol. 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. 5. 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 salary increases of elected officials and judges set forth in sections 1 through 4, chapter 263, Laws of 1975 1st ex. sess.

NEW SECTION. Sec. 6. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	89,004
Total Appropriation	\$	89,004

NEW SECTION. Sec. 7. FOR THE WASHINGTON STATE WOMEN'S COUNCIL

General Fund Appropriation	\$	11,988
Total Appropriation	\$	11,988

NEW SECTION. Sec. 8. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT

General Fund Appropriation	\$	400,000
Total Appropriation	\$	400,000

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

General Fund Appropriation	\$	6,700
Personnel Service Revolving Fund Appropriation—State	\$	44,590
State Employees' Insurance Fund Appropriation	\$	295,892
Total Appropriation	\$	347,182

NEW SECTION. Sec. 10. FOR THE DATA PROCESSING AUTHORITY

General Fund Appropriation: PROVIDED, That \$335,510 of this appropriation is used to assist agencies in transferring to a consolidated data processing environment.	\$	672,863
Total Appropriation	\$	672,863

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	31,047
Total Appropriation	\$	31,047

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation: PROVIDED, That \$415,000 of this amount be used for maintenance of the facilities at Northern State Hospital	\$	520,597
General Fund—Motor Transport Account Appropriation	\$	542,953
Total Appropriation	\$	1,063,550

NEW SECTION. Sec. 13. FOR THE MILITARY DEPARTMENT

General Fund Appropriation	\$	40,778
Total Appropriation	\$	40,778

NEW SECTION. Sec. 14. FOR THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Retirement System Expense Fund Appropriation	\$	44,811
Total Appropriation	\$	44,811

NEW SECTION. Sec. 15. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund	\$	2,061
Total Appropriation	\$	2,061

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	75,000
Total Appropriation	\$	75,000

NEW SECTION. Sec. 17. DEPARTMENT OF SOCIAL AND HEALTH SERVICES

The appropriations contained in sections 18 through 20 of this 1976 amendatory act for the department of social and health services shall be subject to the following limitation:

The department of social and health services is hereby authorized to transfer up to five percent of the amount appropriated in this 1976 amendatory act, by chapter 269, Laws of 1975 1st ex. sess., and any additional appropriations for the 1975-77 biennium for any specific program or programs upon review and approval by the office of program planning and fiscal management: PROVIDED, That the department shall continue the current funding level for the Yakima work release program. If any transfers between programs, up to the limits authorized by this section are made, the office of program planning and fiscal management shall report the amount and purpose of any such transfer to the ways and means committees of the legislature at the beginning of each session of the legislature: PROVIDED, That the department may not implement a twice monthly payment program: PROVIDED FURTHER, That the department shall be deemed to have received the necessary approvals for the release of funds appropriated by section 62, chapter 269, Laws of 1975 1st ex. sess.: AND PROVIDED FURTHER, That the department may make payment of proper

claims which have been timely filed pursuant to RCW 74.09.160 even though such claims are for services rendered in a prior biennium.

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS AND REHABILITATION PROGRAM

Custody	
General Fund Appropriation—State	\$ 65,305
Total Appropriation	\$ 65,305

The appropriation contained in this section shall be expended exclusively for the implementation of Initiative 316, requiring the reopening of the death row facility at the Washington State Penitentiary.

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME MAINTENANCE PROGRAM

(1) Maintenance Grants	
General Fund Appropriation—State	\$ 8,800,000
General Fund Appropriation—Federal	\$ 4,200,000
Total Appropriation	\$ 13,000,000

The appropriations contained in this subsection shall be expended exclusively for the purpose of upgrading maintenance grant standards by 4.2% for the fiscal year ending June 30, 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, or so much thereof as may be necessary, shall be expended exclusively for increases in Intermediate Care facilities vendor rates: PROVIDED, That the average annual rate increase for all vendors combined shall not exceed 7.4% in fiscal year 1976 and 14.6% in fiscal year 1977 and the base to be utilized for the calculation of the rate increase limitations specified herein shall be the final average rate for all vendors combined for fiscal year 1975.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Medical Assistance	
General Fund Appropriation—State	\$ 2,770,075
General Fund Appropriation—Federal	\$ 2,898,189
Total Appropriation	\$ 5,668,264

The appropriations contained in this section shall be subject to the following condition and limitation:

Not more than \$3,168,264 (including \$1,698,189 from federal funds) shall be expended for increases in Skilled Nursing Facility vendor rates: PROVIDED, That the average annual rate increase for all vendors combined shall not exceed 7.4% in fiscal year 1976 and 14.6% in fiscal year 1977 and the base to be utilized for the calculation of the rate increase limitations specified herein shall be the final average rate for all vendors combined for fiscal year 1975: PROVIDED, That the department shall purchase ambulance services or supplies at not less than the lowest regional rate applicable under the Medicare program.

NEW SECTION. Sec. 21. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$ 137,764
Total Appropriation	\$ 137,764

It is the intent of the legislature that the actions required by chapters 296 and 288, Laws of 1975 1st ex. sess. and the action required by chapter 5, Laws of 1975 2nd ex. sess. be fully implemented. To achieve such intent, the office of program planning and fiscal management is hereby authorized to release from reserve status the \$90,498 previously transferred from the department of labor and industries to the public employment relations commission for use by the commission and to direct the department of labor and industries to transfer an additional \$18,451 to the public employment relations commission for use by the commission.

Sec. 22. 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))
	<u>19,142,054</u>

Medical Aid Fund Appropriation	\$	((16,577,497))
		<u>17,261,707</u>
Plumbing Certificate Fund Appropriation	\$	74,100
Electrical License Account Appropriation	\$	3,035,849
Total Appropriation	\$	((43,601,320))
		<u>44,969,740</u>

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 April 30, 1977, 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. ~~((SSB-2070.))~~

(3) Upon the enactment of chapter ~~((=))~~ 296, Laws of 1975 1st ex. sess. ~~((ESSB-2408.))~~, \$315,743 of the general fund appropriation—state moneys shall be transferred from the department of labor and industries to the public employment relations commission created by such chapter.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	90,498
Total Appropriation	\$	90,498

The appropriation contained in this section shall be expended exclusively in the Industrial Relations program.

NEW SECTION. Sec. 24. 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.

NEW SECTION. Sec. 25. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation	\$	49,109
Total Appropriation	\$	49,109

NEW SECTION. Sec. 26. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation	\$	1,997,186
Total Appropriation	\$	1,997,186

The appropriation 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 \$250,000 shall be expended within the Ex-felon Employment program.

(2) Not more than \$300,000 shall be expended within the Employment Orientation program.

(3) Not more than \$200,000 shall be expended within the Mentally Retarded Employment program.

(4) Not more than \$47,186 shall be expended within the General Administration program.

(5) Not more than \$1,200,000 shall be expended within the Program for Local Service.

NEW SECTION. Sec. 27. FOR THE EMPLOYMENT SECURITY DEPARTMENT

The unexpended balance, not to exceed \$500,000, of the state general fund appropriation made to the Employment Security Department in section 71(2), chapter 269, Laws of 1975 1st ex. sess. is hereby reappropriated for the period July 1, 1976, through June 30, 1977.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation	\$	300,149
Total Appropriation	\$	300,149

The appropriation contained within this section shall be expended exclusively for implementation of chapter 195-10 WAC, State Environmental Protection Act guidelines.

NEW SECTION. Sec. 29. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation	\$	506,395
Total Appropriation	\$	506,395

NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF GAME

Game Fund Appropriation	\$	62,000
Total Appropriation	\$	62,000

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	191,715
General Fund Appropriation—Federal	\$	11,478
Total Appropriation	\$	203,193

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation	\$	250,000
Total Appropriation	\$	250,000

The appropriation contained in this section shall be expended exclusively for forest insect control and shall be transferred to the Forest Insect and Disease Control Fund only as such funds are actually needed for paying control costs: PROVIDED, That the first \$75,000 of reimbursement received by the department for forest insect control work shall be repaid to the General Fund.

NEW SECTION. Sec. 33. FOR THE THERMAL POWER PLANT SITE EVALUATION COUNCIL

General Fund Appropriation	\$	92,754
Total Appropriation	\$	92,754

NEW SECTION. Sec. 34. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—Federal	\$	57,830
Total Appropriation	\$	57,830

NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation	\$	247,892
General Fund—Professional Engineer's Account Appropriation	\$	34,511
Highway Safety Fund Appropriation	\$	199,661
Motor Vehicle Fund Appropriation	\$	165,316
Total Appropriation	\$	647,380

NEW SECTION. Sec. 36. FOR THE AERONAUTICS COMMISSION

General Fund Aeronautics Account Appropriation	\$	126,000
Total Appropriation	\$	126,000

Sec. 37. 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))
		1,359,895,265
Total Appropriation	\$	((1,073,195,265))
		1,359,895,265

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) \$283,075,969 of the appropriation contained in this section shall be contingent upon voter approval of a state-wide property tax special levy at a rate of two dollars per one thousand dollars of adjusted valuation.

(2) Salary increases for classified and certificated employees of common school districts are not mandated by the provisions of this section.

~~((2) Any local school district which does provide a salary increase from funds appropriated by this section shall provide a district-wide salary increase which is equal for both certificated and classified personnel.))~~

(3) Local school districts receiving funds from the appropriation made in this section may expend all or a portion of such funds to retain needed personnel in-lieu of salary increases.

(4) It is the intent of the legislature that to the extent that any district receives funds through the state apportionment formula in excess of the amount anticipated by such a district when it established its excess levy for collection in 1976 and when such excess can be utilized to relieve special levy burdens, then such a district should place a first priority on reducing its special levy.

(5) The superintendent of public instruction is hereby authorized to direct from the appropriation contained in this section, such funds as may be necessary to grant salary increases for certificated and

classified employees funded through categorical programs, but in no event shall such allocation exceed the average salary increase amount authorized for state employees during the 1974-75 fiscal year and the 1975-76 fiscal year.

(6) The weighting schedule used by the superintendent of public instruction during the ((1975-77 biennium)) 1975-76 program year in computing the apportionment of funds for each school district shall be based on the following factors:

- (a) A base weighting factor of 1.0 for each full time equivalent student enrolled;
- (b) An additional weighting factor of 1.0 for each full time equivalent student enrolled in vocational education in grades 9-12 which is approved by the superintendent of public instruction. The superintendent of public instruction shall report the results of a comprehensive study on vocational education to the standing ways and means committees no later than January 1, 1976. Such study shall document the cost of vocational education presently qualifying for 0.2 support on a sample basis. Such study shall include an examination of the criteria for determining full time equivalents and recommendations for alternative funding procedures and a time line for implementation thereof;
- (c) Continuation of the weighting factors used by the superintendent of public instruction for the purpose of reimbursement to each school district for costs resulting from staff education and experience greater than the minimum requirements. The superintendent of public instruction shall employ the staff characteristic factor of the respective local districts established in each of the immediately preceding school years for purposes of distribution throughout the 1975-77 biennium;
- (d) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for school districts enrolling not more than 250 full time equivalent students in grades 9-12;
- (e) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for nonhigh school districts enrolling not more than 100 full time equivalent students which districts have been judged to be remote and necessary by the state board of education;
- (f) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for small school plants which are judged remote and necessary within any school district by the state board of education;
- (g) An additional weighting factor for a period of not more than four years, for any consolidated school district formed after July 1, 1971, equal to the additional weighting factor in effect in each qualifying district during the school year immediately preceding consolidation, which district consists of one or more former school districts which were either remote and necessary or which contained not more than 250 students in grades 9-12;
- (h) An additional weighting factor of 0.25 for full time equivalent students residing on tax exempt property as set forth in RCW 28A.41.140(6)(b) or (c); and
- (i) An additional weighting factor of 0.25 for full time equivalent students in an approved interdistrict cooperative program as authorized by RCW 28A.41.140(6)(a) and 28A.58.075.

(7) 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.

(8) 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)) (9) 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.

(10) During the (~~1975-77 biennium~~) 1975-76 program year 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~~) 1975-76 program year.

NEW SECTION. Sec. 38. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE INSTITUTIONAL EDUCATION PROGRAM

General Fund Appropriation	\$	152,029
Total Appropriation	\$	152,029

NEW SECTION. Sec. 39. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE VIETNAMESE EDUCATION PROGRAM

General Fund Appropriation	\$	168,000
Total Appropriation	\$	168,000

If federal funds become available for the Vietnamese education program, an amount of the appropriation contained in this section equal to the amount of federal funds received shall revert to the general fund.

NEW SECTION. Sec. 40. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE PACIFIC SCIENCE CENTER

General Fund Appropriation	\$	99,850
Total Appropriation	\$	99,850

Sec. 41. 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 this appropriation to support the driver's safety training program.

NEW SECTION. Sec. 42. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation	\$	125,000
Total Appropriation	\$	125,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$45,000 shall be expended for the conversion of first class school district financial reports into machine readable form;

(2) Not more than \$60,000 shall be expended to assist second class school districts in subscribing to data processing cooperative services and implementing financial accounting changes;

(3) Not more than \$20,000 shall be expended 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.

The superintendent of public instruction shall reserve the state funds appropriated by this section in an equal amount to any federal funds which are received and which may be expended for these purposes.

NEW SECTION. Sec. 43. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	897,666
Total Appropriation	\$	897,666

NEW SECTION. Sec. 44. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	398,952
Total Appropriation	\$	398,952

NEW SECTION. Sec. 45. FOR WESTERN WASHINGTON STATE COLLEGE

General Fund Appropriation	\$	30,200
Total Appropriation	\$	30,200

NEW SECTION. Sec. 46. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$	18,273
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Total Appropriation \$ 18,273
NEW SECTION. Sec. 47. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$ 37,500
 Total Appropriation \$ 37,500

NEW SECTION. Sec. 48. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation \$ 12,768
 Total Appropriation \$ 12,768

NEW SECTION. Sec. 49. 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—Land Owner Forest Fire Suppression Account Appropriation	\$	833.38
General Fund—Resources Management Cost Account Appropriation	\$	43,687.82
General Fund—Litter Control Account Appropriation	\$	2,836.95
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	\$	1,108.79
Grain and Hay Inspection Fund Appropriation	\$	2,099.74
Highway Safety Fund Appropriation	\$	38.00
Motor Vehicle Fund Appropriation	\$	30,219.27
Public Service Revolving Fund Appropriation	\$	76.20
State Treasurer's Service Fund Appropriation	\$	870.10
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	\$	96,347.31

Sec. 50. 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 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)) 1975-76 fiscal year.

NEW SECTION. Sec. 51. It is the intent of the legislature that the governor instruct the office of program planning and fiscal management to carry out the recommendations of the governor's report of January 1, 1976, to the Standing Ways and Means Committees of the House and Senate filed with the Office of the Speaker of the House of Representatives and the Office of the President of the Senate with regard to the commission on vocational education pursuant to section 81(2), chapter 269, Laws of 1975 1st ex. sess. The office of program planning and fiscal management is hereby directed to make the necessary transfers and abolishments of staff and appropriated funds to affect these recommendations.

NEW SECTION. Sec. 52. If on the basis of revenue estimates and projections effective August 1, 1976, the governor determines that expenditures are likely to exceed revenues for the current biennium, he may order reduction in expenditures by agencies in the executive branch, up to an aggregate amount not to

exceed \$30,700,000. The office of program planning and fiscal management, at the direction of the governor, shall determine the amount of savings to be incurred by each agency. Any additional moneys received by the institutions of higher education and the community colleges through fee increases shall be taken into account when determining general fund savings. It is the intent of the legislature that separately elected officials and the legislature participate in the attainment of these savings goals.

NEW SECTION. Sec. 53. 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. 54. 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."

QUESTION OF CONSIDERATION

Mr. Thompson: "Mr. Speaker, I raise a question of consideration on this amendment."

Mr. Curtis demanded an electric roll call and the demand was sustained.

The Speaker Pro Tem stated the question before the House to be shall the House consider the amendment to the committee amendment by Representative Polk.

With the consent of the House, Mr. Thompson withdrew the question of consideration.

The Speaker Pro Tem declared the House to be at ease.

On motion of Mr. Bender, Representatives Fortson, King, Lysen, Warnke, Cochrane and Kalich were excused from the Call of the House.

The Speaker Pro Tem called the House to order.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, further consideration of the bills on today's calendar was deferred, and the bills were ordered placed on the calendar for tomorrow.

NOTICE OF PROPOSED RULE CHANGE

Ms. Sommers served notice that she would, on the next working day, offer an amendment to the House Rules.

MOTION

On motion of Mr. Thompson, the House adjourned until 9:00 a.m., Friday, February 20, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FORTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, February 20, 1976.

The House was called to order at 9:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representative King, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kathleen Thompson and Mike Reid. Prayer was offered by the Reverend Frank L. Accardy of the Emmanuel Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:
SECOND SUBSTITUTE HOUSE BILL NO. 721.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Hawkins, Moon and Brown as conferees on Substitute House Bill No. 1329.

MESSAGE FROM THE SENATE

February 18, 1976

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 3003 except for section 6 of the amendment, and asks the House to recede from said section, and said bill, together with the House amendment thereto, is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Ms. Sommers, the House insisted on its position with regard to Engrossed Substitute Senate Bill No. 3003, and asked the Senate for a conference thereon.

The Speaker Pro Tem appointed Representatives Sommers, Hurley (Margaret) and Zimmerman as conferees on Engrossed Substitute Senate Bill No. 3003.

MESSAGE FROM THE SENATE

February 19, 1976

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 3026, and asks the House for a conference thereon, and the President has appointed as said conferees: Senators Stortini, Gould, McDermott.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Bauer, the House granted the request of the Senate for a conference on Senate Bill No. 3026.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Bauer, Fortson and Whiteside as conferees on Senate Bill No. 3026.

SENATE AMENDMENTS TO HOUSE BILL

February 18, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1340 with the following amendments:

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.

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 vehicular 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 correctional 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. and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Smith (Rick) moved that the House do not concur in the Senate amendments to Engrossed House Bill No. 1340 and ask the Senate for a conference thereon.

Representatives Smith (Rick) and Newhouse spoke in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

February 19, 1976

Mr. Speaker:

The Senate has passed:
SENATE CONCURRENT RESOLUTION NO. 131,
and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 131, by Senators Bailey, Walgren and Lewis (Harry):

Suspension of rules for consideration of Engrossed House Joint Resolution No. 64.

MOTION

On motion of Mr. Thompson, the rules were suspended, and Senate Concurrent Resolution No. 131 was advanced to second reading and read the second time in full.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Senate Concurrent Resolution No. 131 was placed on final passage.

Mr. Thompson spoke in favor of the resolution.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Newhouse.

Mr. Newhouse: "We did pass this bill within the cut-off, is it the fact that the Senate did not? Is that the problem?"

Mr. Thompson: "That is the problem."

ROLL CALL

The Clerk called the roll on adoption of Senate Concurrent Resolution No. 131, and the resolution was adopted by the House by the following vote: Yeas, 83; nays, 1; not voting, 13.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris,

Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Kuehnle.

Not voting: Representatives Berentson, Chandler, Clemente, Curtis, Hansey, King, Leckenby, Lee, Matthews, Parker, Perry, Smith R., Tilly.

Senate Concurrent Resolution No. 131, having received the constitutional majority, was declared adopted.

SENATE AMENDMENTS TO HOUSE BILL

February 19, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE JOINT RESOLUTION NO. 64 with the following amendments:

On page 1, line 14 strike "then" and insert "than"

On page 2, line 6, beginning with "Notwithstanding" strike everything down to and including the period on line 12.

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Haussler moved that the House do concur in the Senate amendments to Engrossed House Joint Resolution No. 64.

Mr. Haussler spoke in favor of the motion, and Mr. Eikenberry spoke against it.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Joint Resolution No. 64 as amended by the Senate.

Mr. Haussler spoke in favor of passage of the resolution.

POINT OF INQUIRY

Mr. Haussler yielded to question by Mr. Patterson.

Mr. Patterson: "Could you identify the one word change that you referred to in your earlier discussion?"

Mr. Haussler: "Instead of 'then' it's 'than'."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Resolution No. 64 as amended by the Senate, and the bill received the constitutional two-thirds majority, by the following vote: Yeas, 84; nays, 4; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Conner, Flanagan, Juelling, Kuehnle.

Not voting: Representatives Berentson, Clemente, Hansey, King, Lee, Parker, Perry, Peterson, Smith R.

Engrossed House Joint Resolution No. 64 as amended by the Senate, having received the constitutional two-thirds majority, was declared passed.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SECOND READING

HOUSE BILL NO. 1624, by Representatives Bagnariol and Shinpoch:

Relating to appropriations.

The House resumed consideration of the bill on second reading. (For previous action, see yesterday's Journal and Journal for 43rd Day 2nd Ex. Sess. February 16, 1976.)

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Polk to the committee amendment.

Mr. Polk spoke in favor of the amendment to the amendment.

Mr. Bender demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives King and Paris.

MOTION

On motion of Mr. Thompson, the absent members were excused and the House proceeded with business under the Call of the House.

Mr. Bagnariol spoke against adoption of the Polk amendment to the committee amendment.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Representatives Freeman, Curtis, Pardini, Polk and Peterson spoke in favor of the amendment to the committee amendment, and Mr. Hurley (George) spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Polk to the committee amendment to House Bill No. 1624, and the amendment was not adopted by the following vote: Yeas, 34; nays, 61; not voting, 2.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Jueling, Kuehne, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Patterson, Peterson, Polk, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Parker, Perry, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives King, Paris.

APPOINTMENT OF CONFEREES

The Speaker Pro Tem appointed Representatives Smith (Rick), Charette and Eikenberry as conferees on Engrossed House Bill No. 1340.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives King, Paris and Smith (Rick). Representatives King and Paris were excused.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:
HOUSE JOINT RESOLUTION NO. 64.

SECOND READING

Mr. Thompson moved that further action on House Bill No. 1624 be deferred, and that the bill be made a special order of business for 3:00 p.m.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Curtis.

Mr. Curtis: "Do you envision the amendment you spoke to would be made available at 3 and then we would have an opportunity to look at it and analyze it, etc., or are we going to go right at it at 3? Will it be made available to us prior to that?"

Mr. Thompson: "It would be my hope that whatever amendatory language would develop would be available prior to 3 p.m. and should it not be, we would certainly afford you an opportunity to examine the language prior to our acting on it."

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "Was the statement made that there are further amendments on the desk to the budget?"

The Speaker Pro Tem: "No, there are not."

Mr. Newhouse: "If not, don't we proceed on to send it to Rules? We've completed second reading on it, haven't we? There are no amendments on the desk."

The Speaker Pro Tem: "The committee amendment is still pending."

Mr. Newhouse: "Yes, but no amendments to the committee amendment?"

The Speaker Pro Tem: "Not right now, there aren't."

Mr. Newhouse: "The committee amendment has been moved?"

The Speaker Pro Tem: "It hasn't been adopted. It is still pending one more major amendment."

The motion to defer action on the bill was carried.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "When House Bill No. 1624 comes back before this body at 3:00 p.m., would a motion for reconsideration of the vote on the Polk amendment be in order at that time?"

The Speaker Pro Tem: "Yes."

MOTION

On motion of Mr. Thompson, Engrossed Senate Bill No. 3027 was rereferred to Committee on Rules.

SENATE CONCURRENT RESOLUTION NO. 130, by Senators Bailey, Walgren and Lewis (Harry):

Suspension of Rules for Substitute Senate Bill No. 3247.

The resolution was read the second time.

Mr. Thompson moved that the rules be suspended, the second reading considered the third, and Senate Concurrent Resolution No. 130 be placed on final passage.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Blair.

Mr. Blair: "I gather that the only purpose of this particular resolution is permitting us to consider the following bill, which like the one immediately before this resolution, was not within the rules of our cut-off date. Am I correct?"

Mr. Thompson: "That is correct and there are other items on today's calendar that are in the same relationship."

Mr. Blair: "I would like to ask you why this particular bill that is to be protected by this resolution is more meritorious than the one which preceded it?"

Mr. Thompson: "No concurrent resolution has been introduced to provide for special consideration of Engrossed Senate Bill No. 3027."

Mr. Blair: "Then am I to understand that it is permissible for any member on this floor to propose a bypassing of the rules and it will have your cooperation for consideration of that in order to take bills that may have been cutoff?"

Mr. Thompson: "I would say that is permissible, but the acceptability would depend on the whole House."

The motion to suspend the rules and advance the resolution to third reading and final passage was carried.

POINT OF PARLIAMENTARY INQUIRY

Mr. Curtis: "Would the Chair enlighten me as to what vote is needed to pass one of these concurrent resolutions?"

The Speaker Pro Tem: "It is a suspension of the rules, and would therefore require a two-thirds vote."

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 130, and the resolution was adopted by the following vote: Yeas, 88; nays, 1; not voting, 8.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Becker, Bender, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, O'Brien, Osterman, Pardini, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Blair.

Not voting: Representatives Bagnariol, Bausch, Berentson, King, North, Paris, Perry, Smith R.

Senate Concurrent Resolution No. 130, having received the constitutional two-thirds majority, was declared adopted.

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.

On motion of Mr. Kuehnle, the following amendment by Representatives Kuehnle, Sommers and Blair was adopted:

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:"

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3247 as amended by the House was placed on final passage.

Mr. Haussler spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Kuehnle yielded to question by Mr. Chandler.

Mr. Chandler: "I've had a chance to read your amendment now and I'm a little concerned about what it means. Let me describe what we have in fire district 36 where there are roughly thirty volunteer firemen. About half of those are qualified as emergency medical technicians, so I think the assumption that you would have to be full time in order to complete that training is erroneous. But nevertheless there are three or four of those individuals who are now full time firemen and I would think they would want to be and should be covered under the LEOFF system and with the adoption of your amendment to this bill, would they be permitted—a full time fireman—to be covered under the LEOFF system?"

Mr. Kuehnle: "Yes, this amendment just simply says that because they wind up being there and serving on a fire department as medical technicians, that in itself does not qualify them for membership in the LEOFF system, but if they are otherwise qualified, either by virtue of the civil service requirement or by virtue of their being full time firemen or policemen, then yes, they probably are already members and could continue to be members. Unless they were also trained as firemen or as policemen in addition to the medical training, they could not belong."

Representatives Chandler and North spoke in favor of passage of the bill and Mr. Blair spoke against it.

Mr. Chandler spoke again in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3247 as amended by the House, and the bill passed the House by the following vote: Yeas, 88; nays, 2; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charney, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Blair, Greengo.

Not voting: Representatives Deccio, King, Paris, Parker, Patterson, Smith R., Sommers.

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.

SENATE CONCURRENT RESOLUTION NO. 129, by Senators Bailey, Walgren and Lewis (Harry):

Suspension of Rules for Substitute Senate Bill No. 3271.

The resolution was read the second time.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Senate Concurrent Resolution No. 129 was placed on final passage.

Mr. Thompson spoke in favor of the resolution, and Mr. Moon spoke against it.

POINT OF ORDER

Mr. Pardini: "Mr. Moon is talking about the next bill on the calendar, not the one we are now considering."

The Speaker Pro Tem: "It is the Speaker's opinion that Representative Moon is in order; he's speaking to the final passage of Senate Concurrent Resolution No. 129 which pertains to Substitute Senate Bill No. 3271 and this requires a two-thirds vote for its adoption."

Mr. Moon continued his remarks in opposition to the resolution, and Mr. Warnke spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 129, and the resolution was adopted by the following vote: Yeas, 91; nays, 1; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Thompson, Tilly, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Moon.

Not voting: Representatives King, Paris, Smith R., Sommers, Valle.

Senate Concurrent Resolution No. 129, having received the constitutional two-thirds majority, was declared adopted.

SUBSTITUTE SENATE BILL NO. 3271, by Committee on Commerce (Originally sponsored by Senators Lewis (Harry) and Rasmussen):

Establishing the business coordination act.

The bill was read the second time.

The Clerk read the following amendment by Representatives Pardini, Berentson and Moreau:

On page 1, line 16 after "alleviated," insert "It is further the intent of the legislature to assure that economic values are given equal consideration along with environmental, social, health, and safety considerations in the promulgation of rules and regulations by state and local government."

POINT OF ORDER

Mr. Warnke: "I would challenge the Pardini amendment on the scope and object; in addition, I believe they are essentially the same as Senate Bill No. 3097 which is now languishing in the State Government Committee."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "It appears that Substitute Senate Bill No. 3271 deals with establishment of a pilot program to allow grocery operations to acquire or renew all state licenses or permits through the Department of Commerce and Economic Development. The first amendment deals with consideration of promulgating rules and regulations by state and local government; the second amendment presented by Representative Pardini deals with developing rules and regulations by state and local governmental entities and the preparation of an economic impact statement when the proposed rules and regulations have an economic impact. New section 8 deals with all public agencies, not just state agencies. The amendments are not within the scope and object of the bill pursuant to House Rule 33 nor are they germane pursuant to Reed's Rule 160. The Speaker rules both amendments are out of order."

Mr. Moon moved adoption of the following amendment:

On page 3, line 20 after "operations" strike the period and insert "": PROVIDED, That nothing in this section shall be construed to eliminate state or local governmental health or safety inspections."

Representatives Moon, Curtis and Warnke spoke in favor of the amendment.

Mr. Moon spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Moon to Substitute Senate Bill No. 3271, and the amendment was adopted by the following vote: Yeas, 67; nays, 22; not voting, 8.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hansen, Hansey, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Parker, Perry, Peterson, Randall, Sawyer, Seeberger, Sherman, Shipoch, Smith E. P., Thompson, Valle, Warnke, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Barnes, Bond, Chandler, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hayner, Hendricks, Juelsing, Kuehnle, Matthews, Pardini, Patterson, Polk, Schumaker, Whiteside.

Not voting: Representatives Brown, Hanna, King, Paris, Smith R., Sommers, Tilly, Williams.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 3271 as amended by the House was placed on final passage.

Representatives Pardini and Dunlap spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3271 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 1; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelsing, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, O'Brien, Osterman, Pardini, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative North.

Not voting: Representatives King, Paris, Smith R.

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.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SPECIAL ORDER OF BUSINESS

The hour of 3:00 p.m. having arrived, the Speaker Pro Tem declared the question before the House to be the special order of business, House Bill No. 1624 on second reading.

Mr. Thompson demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Kalich, King, Paris and Smith (Rick).

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

HOUSE BILL NO. 1624, by Representatives Bagnariol and Shipoch:

Relating to appropriations.

The House resumed consideration of the bill on second reading.

Mr. Bagnariol moved adoption of the following amendment by Representatives Bagnariol and Shipoch:

On page 1 of the printed committee amendment beginning with line 4 strike the remainder of the amendment 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 for the fiscal biennium beginning July 1, 1975, and ending June 30, 1977, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE LEGISLATURE

General Fund Appropriation	\$	732,310
Total Appropriation	\$	732,310

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, and 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.

(a) Not more than \$287,147 shall be expended by the senate for the purposes of this section.

(b) Not more than \$390,163 shall be expended by the house of representatives for the purposes of this section.

(2) Not more than \$55,000 shall be expended for the continuation of present Public Service Broadcasting Television coverage of legislative activity and events.

NEW SECTION. Sec. 3. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation	\$	335,000
Total Appropriation	\$	335,000

The appropriation contained in this section shall be subject to the following conditions and limitations:

(1) Not more than \$50,000 shall be expended to study the feasibility of creating an inflation index for governmental expenditure analysis.

(2) Not more than \$250,000 shall be expended to undertake a property tax study.

(3) Not more than \$35,000 shall be expended to employ counsel pursuant to Senate Concurrent Resolution 122.

NEW SECTION. Sec. 4. FOR THE SUPREME COURT

General Fund Appropriation	\$	15,271
Total Appropriation	\$	15,271

The appropriation contained in this section shall be expended exclusively for expenses incurred in appellate review of indigent cases.

NEW SECTION. Sec. 5. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	63,771
Total Appropriation	\$	63,771

The appropriation 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 \$25,000 shall be expended for criminal cost bills.

(2) Not more than \$38,771 shall be expended for the additional superior court judge in Whatcom county provided for in chapter 49, Laws of 1975 1st ex. sess.

NEW SECTION. Sec. 6. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation—State	\$	36,645,573
General Fund Appropriation—Federal	\$	1,817,211
Special Fund Salary Increase Revolving Fund Appropriation	\$	14,248,503
Total Appropriation	\$	52,711,287

The appropriation 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 \$38,462,784 general fund moneys (including \$1,817,211 in federal funds) shall be expended to provide a 5 percent 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 and cadets of the Washington State Patrol and to implement effective July 1, 1976, the 1975-76 salary survey findings, based on prevailing rates of private and governmental employees for state classified employees and higher education classified employees and those exempt state employees aligned with classified state employees.

(2) Not more than \$14,248,503 in Special Fund Salary Increase Revolving Fund moneys shall be expended to provide a 5 percent 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 and cadets of the Washington State Patrol and to implement effective July 1, 1976, the 1975-76 salary survey findings, based on prevailing rates of private and governmental employees for state classified employees and higher education classified employees and those exempt state employees aligned with classified state 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. 7. FOR THE GOVERNOR—SPECIAL APPROPRIATION

General Fund Appropriation	\$	1,030,220
Total Appropriation	\$	1,030,220

The appropriation contained in this section, or so much thereof as may be necessary, shall be expended exclusively to implement the provisions of sections 1 through 4 of chapter 263, Laws of 1975 1st ex. sess.

Sec. 8. 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)) 105,490,918
General Fund Appropriation—Federal	\$	12,962,742
Special Fund Salary Increase Revolving Fund Appropriation	\$	41,087,810
Total Appropriation	\$	((159,691,470)) 159,541,470

The appropriations contained in this section shall be subject to the following conditions and limitations:

- (1) ~~\$(630,000)~~ 480,000 for the governor's emergency fund to be allocated for the purpose of carrying out the critically necessary work of any agency.
- (2) Not more than \$700,000 may be allotted by the governor for survey and installation purposes.
- (3) \$20,000 for the Interstate Nuclear Compact.
- (4) \$2,000 for the Advisory Commission on Intergovernmental Relations.
- (5) \$100,340 for the Council on State Governments.
- (6) \$60,000 for Governor's Transition.
- (7) \$75,000 for the National Guard Association Conference.
- (8) Not more than \$117,016,320 in general fund moneys (including \$12,962,742 in federal funds) shall be expended for continuation during the 1975-77 biennium of the salary increases which were granted effective March 1, 1975 pursuant to section 2, chapter 9, Laws of 1975 to state classified and higher education classified employees, state employees exempt from the classified service, faculty and exempt employees of the four year units of higher education and the community college system, excluding student employees not under the jurisdiction of the state personnel board or higher education personnel board classification systems, and commissioned members of the Washington state patrol. Such salary increase funds include increments, or their equivalent, that may be granted by the individual institutions of higher education.
- (9) Not more than \$41,087,810 in Special Fund Salary Increase Revolving Fund moneys shall be expended for continuation during the 1975-77 biennium of the salary increases granted pursuant to section 2, chapter 9, Laws of 1975, and to facilitate payment of such increases the state treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the office of program planning and fiscal management.

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$	150,000
General Fund Appropriation—Federal	\$	450,000
Total Appropriation	\$	600,000

The appropriation contained in this section shall be expended exclusively for individual and family grants qualifying under regulations established by the Federal Disaster Assistance Administration.

NEW SECTION. Sec. 10. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	61,500
Total Appropriation	\$	61,500

The appropriation 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 \$5,000 shall be expended for the lobbyist directory.
- (2) Not more than \$6,600 shall be expended for commission members' per diem.
- (3) Not more than \$49,900 shall be expended for data processing cost.

NEW SECTION. Sec. 11. FOR THE WASHINGTON STATE WOMEN'S COUNCIL

General Fund Appropriation	\$	11,988
Total Appropriation	\$	11,988

NEW SECTION. Sec. 12. FOR THE STATE AUDITOR	
General Fund Appropriation	\$ 93,870
Total Appropriation	\$ 93,870
The appropriation contained in this section shall be expended exclusively to audit the Supplemental Security Income program of the department of social and health services and for one additional auditor at the University of Washington.	
NEW SECTION. Sec. 13. FOR THE ATTORNEY GENERAL	
General Fund Appropriation	\$ 50,000
Total Appropriation	\$ 50,000
The appropriation contained in this section shall be expended exclusively to provide legal, technical, and administrative support in the case of Arco vs. Evans et. al. (case involves chapter 125, Laws of 1975 1st ex. sess., oil pollution control measures).	
NEW SECTION. Sec. 14. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT	
General Fund Appropriation	\$ 400,000
Total Appropriation	\$ 400,000
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. 15. FOR THE DEPARTMENT OF PERSONNEL	
Personnel Service Revolving Fund Appropriation—State	\$ 27,090
State Employees' Insurance Fund Appropriation	\$ 295,892
Total Appropriation	\$ 322,982
The personnel service revolving fund appropriation contained in this section shall be expended exclusively for an additional personnel analyst III for support of salary surveys.	
NEW SECTION. Sec. 16. FOR THE DATA PROCESSING AUTHORITY	
General Fund Appropriation	\$ 2,205,863
General Fund—Resource Management Cost Account Appropriation	\$ 85,000
Highway Safety Fund Appropriation—State	\$ 168,000
Motor Vehicle Fund Appropriation	\$ 402,000
Total Appropriation	\$ 2,860,863
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 \$2,000,000, including \$1,430,000 from the General Fund, \$168,000 from the Highway Safety Fund—State Appropriation, and \$402,000 from the Motor Vehicle Fund Appropriation shall be expended for final capitalization of the Data Processing Revolving Fund to purchase equipment necessary to establish service centers in accordance with consolidation plans.	
(2) Not more than \$407,510 including \$85,000 from the General Fund—Resources Management Cost Account and \$322,510 from the general fund shall be expended for transition of agency data processing to DPA service centers.	
(3) Not more than \$337,353 of the general fund appropriation shall be expended for continued development of the payroll/personnel system.	
(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.	
(6) Not more than \$58,000 of the general fund appropriation shall be expended for state-wide data processing communications networks, including a cost benefit analysis study of integration of data processing communications networks to be submitted to the House and Senate Ways and Means Committees no later than December 1, 1976.	
NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF REVENUE	
General Fund Appropriation	\$ 31,047
Total Appropriation	\$ 31,047
The appropriation contained in this section shall be expended exclusively to implement the provisions of RCW 84.38.010 through 84.38.180 (Deferral of special assessments and/or property taxes).	
NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION	
General Fund Appropriation	\$ 25,000

General Fund—Motor Transport Account Appropriation	\$	505,000
Total Appropriation	\$	530,000

(1) The general fund appropriation contained in this section shall be expended exclusively for a study of a state office building in Spokane including facilities for the Court of Appeals. The study shall include, but not be limited to, an analysis of: (a) Need; (b) agencies included and excluded and space required; (c) alternative locations, (d) cost; and (e) lease versus construction cost analysis. The study shall be presented to the Office of Program Planning and Fiscal Management, and the House and Senate Ways and Means Committees no later than December 1, 1976.

(2) The General Fund—Motor Transport Account appropriation contained herein shall be expended exclusively for the replacement of 276 vehicles in the state motor pool.

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$	123,033
Total Appropriation	\$	123,033

The appropriation contained in this section, or so much thereof as may be necessary, shall be spent exclusively for the purposes designated herein and shall be subject to the following conditions and limitations:

(1) Not more than \$65,258 shall be expended within the Administrative and Support Services Program for risk management administration.

(2) Not more than \$57,775 shall be expended within the Administrative and Support Services Program for the forms management activity.

NEW SECTION. Sec. 20. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation	\$	16,000
Total Appropriation	\$	16,000

The appropriation contained in this section shall be expended exclusively for health care contractor supervision pursuant to chapter 290, Laws of 1975 1st ex. sess.

NEW SECTION. Sec. 21. FOR THE LIQUOR CONTROL BOARD

Liquor Board Revolving Fund Appropriation	\$	5,000
Total Appropriation	\$	5,000

The Washington State Liquor Control Board is authorized to enter into an agreement with the Port of Seattle for the exchange of the warehouse site and building, located at 4201 East Marginal Way South, Seattle, for a warehouse site and building of equal or greater value to be provided by the Port of Seattle at a location in King County. The appropriation contained in this section or so much thereof as may be necessary, shall be expended exclusively for a cost-benefit analysis of the exchange proposal.

NEW SECTION. Sec. 22. FOR THE WASHINGTON STATE PUBLIC EMPLOYEE'S RETIREMENT SYSTEM

Retirement System Expense Fund	\$	151,746
Total Appropriation	\$	151,746

The appropriation 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 \$24,008 shall be expended for additional actuarial services on proposed legislation.

(2) Not more than \$21,415 shall be expended for creating a new position of Internal Audit Supervisor providing employee benefits and obtaining necessary equipment and supplies.

(3) Not more than \$9,225 shall be expended for creating a new position for the LEOFF system of Clerk II including employee benefits.

(4) Not more than \$97,098 shall be expended to implement chapter 73, Laws of 1975 1st ex. sess.

NEW SECTION. Sec. 23. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund	\$	2,061
Total Appropriation	\$	2,061

NEW SECTION. Sec. 24. 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 a grant to the Seattle Opera Association, Inc., for the purpose of securing federal and private funds to aid in development of a viable opera program in this state.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS AND REHABILITATION PROGRAM

(1) Custody		
General Fund Appropriation—State	\$	65,305
Total Appropriation	\$	65,305

The appropriation contained in this subsection shall be expended exclusively for the implementation of referendum 316, requiring the reopening of the death row facility at the Washington State Penitentiary.

(2) Special Projects		
General Fund Appropriation—State	\$	570,130
Total Appropriation	\$	570,130

The appropriation contained in this subsection, 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:

(a) Not more than \$170,130 shall be expended to sustain the King County Women's Community Center, Snohomish County Pre-prosecutorial Diversion Program, and the Walla Walla/Columbia Counties Intensive Supervision Program.

(b) Not more than \$100,000 shall be expended for the Vancouver Community Based Program.

(c) Not more than \$100,000 shall be expended for the Progress House of Tacoma

(d) Not more than \$100,000 shall be expended for the Yakima Work/Training Release Program.

(e) Not more than \$100,000 shall be expended for a restitution center pilot program.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) Community Services Program		
General Fund Appropriation—State	\$	16,217
Total Appropriation	\$	16,217

The appropriations contained in this subsection shall be expended exclusively for the purpose of reimbursing developmental disabilities service providers for services provided between January 1, 1975, and June 30, 1975, according to the following schedule:

(a) Buklin Hill School	\$	701
(b) Holly Ridge Center	\$	1,038
(c) Olympic Peninsula Enterprises	\$	10,698
(d) Lake Oak Patch	\$	3,780
(2) Institutional Rehabilitative Services Program		

General Fund Appropriation—State	\$	150,000
Total Appropriation	\$	150,000

The appropriation contained in this subsection shall be expended exclusively for an adult education and training demonstration project at Rainier School. This demonstration project shall include an evaluation component that will assist the department in determining the need for and feasibility of adult education and training programs in all state institutions for the developmentally disabled.

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME MAINTENANCE PROGRAM

(1) Maintenance Grants		
General Fund Appropriation—State	\$	8,800,000
General Fund Appropriation—Federal	\$	4,200,000
Total Appropriation	\$	13,000,000

The appropriations contained in this subsection shall be expended exclusively for the purpose of upgrading maintenance grant standards by 4.2% for the fiscal year ending June 30, 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, or so much thereof as may be necessary, shall be expended exclusively for increases in Intermediate Care facilities vendor rates: PROVIDED, That the average annual rate increase for all vendors combined shall not exceed 7.4% in fiscal year 1976 and 14.6% in fiscal year 1977 and the base to be utilized for the calculation of the rate increase

limitations specified herein shall be the final average rate for all vendors combined for fiscal year 1975.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

Special Projects

General Fund Appropriation—State	\$	114,512
Total Appropriation	\$	114,512

The appropriation contained in this section shall be expended exclusively for funding the Home Builders Program of Tacoma on a one-year, demonstration project basis.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Medical Assistance

General Fund Appropriation—State	\$	2,770,075
General Fund Appropriation—Federal	\$	2,898,189
Total Appropriation	\$	5,668,264

The appropriations contained in this section shall be subject to the following condition and limitation:

Not more than \$3,168,264 (including \$1,698,189 from federal funds) shall be expended for increases in Skilled Nursing Facility vendor rates: PROVIDED, That the average annual rate increase for all vendors combined shall not exceed 7.4% in fiscal year 1976 and 14.6% in fiscal year 1977 and the base to be utilized for the calculation of the rate increase limitations specified herein shall be the final average rate for all vendors combined for fiscal year 1975: PROVIDED, That the department shall purchase ambulance services or supplies at not less than the lowest regional rate applicable under the Medicare program.

NEW SECTION. Sec. 30. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	137,764
Total Appropriation	\$	137,764

Sec. 31. 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 April 30, 1977, 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. ~~((SSB-2070))~~

(3) Upon the enactment of chapter ~~((=))~~ 296, Laws of 1975 1st ex. sess. ~~((SSB-2408))~~, \$315,743 of the general fund appropriation—state moneys shall be transferred from the department of labor and industries to the public employment relations commission created by such chapter.

NEW SECTION. Sec. 32. 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.

NEW SECTION. Sec. 33. FOR THE MEXICAN AMERICAN AFFAIRS COMMISSION

General Fund Appropriation	\$	15,000
Total Appropriation	\$	15,000

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	151,763
Total Appropriation	\$	151,763

The appropriation 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 \$42,000 shall be expended for interagency reimbursements to the Board of Industrial Insurance Appeals for appeals pursuant to RCW 7.68.110 (Victims of Crimes).

(2) Not more than \$19,265 shall be expended within the Building and Construction Safety program for contractor registration.

(3) Not more than \$90,498 shall be expended within the Industrial Relations program.

NEW SECTION. Sec. 35. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation	\$	49,109
Total Appropriation	\$	49,109

The appropriation 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 \$9,000 shall be expended for travel of the board members.

(2) Not more than \$40,109 shall be expended for rental of office space in the Capitol Center Building.

NEW SECTION. Sec. 36. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation	\$	797,186
Total Appropriation	\$	797,186

The appropriation 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 \$250,000 shall be expended within the Ex-felon Employment program.

(2) Not more than \$300,000 shall be expended within the Employment Orientation program.

(3) Not more than \$200,000 shall be expended within the Mentally Retarded Employment program.

(4) Not more than \$47,186 shall be expended within the General Administration program.

NEW SECTION. Sec. 37. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation	\$	2,000,000
Total Appropriation	\$	2,000,000

The appropriation contained in this section shall be expended exclusively within the Program for Local Service. The program shall be maintained with not more than 23 FTE staff years for the biennium, and there shall be no increase in volunteer stipend rates.

NEW SECTION. Sec. 38. FOR THE OCEANOGRAPHIC COMMISSION

General Fund Appropriation	\$	20,000
Total Appropriation	\$	20,000

The appropriation contained in this section shall be expended exclusively for a grant to the Sea Use Council.

NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation	\$	300,149
Total Appropriation	\$	300,149

The appropriation contained within this section shall be expended exclusively for implementation of chapter 195-10 WAC, State Environmental Protection Act guidelines.

NEW SECTION. Sec. 40. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation	\$	506,395
Total Appropriation	\$	506,395

The appropriation 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 \$38,597 shall be expended for the Administration program.

(2) Not more than \$42,399 shall be expended for the Resources Development program.

(3) Not more than \$415,124 shall be expended for inflationary cost increases in utilities and consumable supplies.

(4) Not more than \$10,275 shall be expended for fire protection contracts.

NEW SECTION. Sec. 41. 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. 42. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation	\$	135,000
Total Appropriation	\$	135,000

The appropriation contained in this section shall be spent exclusively for an operations review to develop workload standards for the Department of Fisheries: PROVIDED, That the standing committees on House Ways and Means and House Natural Resources shall approve the requirements and results of the study.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation	\$	264,701
Total Appropriation	\$	264,701

The appropriation 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 \$14,701 shall be expended for equipment costs.

(2) Not more than \$250,000 shall be expended for spruce budworm epidemic control: PROVIDED, That \$162,540, or a portion thereof, shall not be expended if the thirty-seven thousand two hundred and eighty acres currently being evaluated, or a portion thereof, does not require spraying: AND PROVIDED FURTHER, That up to \$162,490 of cost reimbursement, provided by land owners, shall be reimbursed to the General Fund.

NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation	\$	19,628
Total Appropriation	\$	19,628

The appropriation 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 \$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.

NEW SECTION. Sec. 45. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation—Federal	\$	57,830
Total Appropriation	\$	57,830

NEW SECTION. Sec. 46. FOR THE DEPARTMENT OF MOTOR

VEHICLES

General Fund Appropriation	\$	281,892
General Fund—Professional Engineer's Account Appropriation	\$	34,511
Highway Safety Fund Appropriation	\$	199,661
Motor Vehicle Fund Appropriation	\$	165,316
Total Appropriation	\$	681,380

(1) The general fund appropriation contained in this section shall be expended exclusively to implement the provisions of:

(a) Chapter 280, Laws of 1975 1st ex. sess. (Relating to the operation of massage businesses);

(b) Chapter 171, Laws of 1975 1st ex. sess. (Relating to the practice of medicine);

(c) Chapter 61, Laws of 1975 (Relating to medical disciplinary proceedings);

(d) Chapter 190, Laws of 1975 1st ex. sess. (Relating to physician's assistants);

(e) WAC 308-40-110 (licensing foreign dental graduates).

(2) Not more than \$59,981 of the Highway Safety Fund appropriation shall be expended exclusively to implement chapter 244, Laws of 1975 1st ex. sess. (Relating to criminal procedure).

(3) Not more than \$139,680 of the Highway Safety Fund appropriation and not more than \$159,316 of the Motor Vehicle Fund appropriation shall be expended exclusively for postage increases in the title program and the financial responsibility and driver licensing program.

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.

Sec. 48. 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))
		1,086,819,296
Total Appropriation	\$	((1,073,195,265))
		1,086,819,296

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))~~ (3) It is the intent of the legislature that to the extent that any district receives funds through the state apportionment formula in excess of the amount anticipated by such a district when it established its excess levy for collection in 1976 and when such excess can be utilized to relieve special levy burdens, then such a district should place a first priority on reducing its special levy.

~~((5) The superintendent of public instruction is hereby authorized to direct from the appropriation contained in this section, such funds as may be necessary to grant salary increases for certificated and classified employees funded through categorical programs, but in no event shall such allocation exceed the average salary increase amount authorized for state employees during the 1974-75 fiscal year.~~

~~(6))~~ (4) The weighting schedule used by the superintendent of public instruction during the 1975-77 biennium in computing the apportionment of funds for each school district shall be based on the following factors:

- (a) A base weighting factor of 1.0 for each full time equivalent student enrolled;
- (b) An additional weighting factor of 1.0 for each full time equivalent student enrolled in vocational education in grades 9-12 which is approved by the superintendent of public instruction. The superintendent of public instruction shall report the results of a comprehensive study on vocational education to the standing ways and means committees no later than January 1, 1976. Such study shall document the cost of vocational education presently qualifying for 0.2 support on a sample basis. Such study shall include an examination of the criteria for determining full time equivalents and recommendations for alternative funding procedures and a time line for implementation thereof;
- (c) Continuation of the weighting factors used by the superintendent of public instruction for the purpose of reimbursement to each school district for costs resulting from staff education and experience greater than the minimum requirements. The superintendent of public instruction shall employ the staff characteristic factor of the respective local districts established in each of the immediately preceding school years for purposes of distribution throughout the 1975-77 biennium;
- (d) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for school districts enrolling not more than 250 full time equivalent students in grades 9-12;
- (e) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for nonhigh school districts enrolling not more than 100 full time equivalent students which districts have been judged to be remote and necessary by the state board of education;
- (f) An additional weighting factor of not more than 2.0 as determined by the superintendent of public instruction for small school plants which are judged remote and necessary within any school district by the state board of education;

- (g) An additional weighting factor for a period of not more than four years, for any consolidated school district formed after July 1, 1971, equal to the additional weighting factor in effect in each qualifying district during the school year immediately preceding consolidation, which district consists of one or more former school districts which were either remote and necessary or which contained not more than 250 students in grades 9-12;
- (h) An additional weighting factor of 0.25 for full time equivalent students residing on tax exempt property as set forth in RCW 28A.41.140(6)(b) or (c); and
- (i) An additional weighting factor of 0.25 for full time equivalent students in an approved interdistrict cooperative program as authorized by RCW 28A.41.140(6)(a) and 28A.58.075.

((7)) (5) 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)) (6) 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)) (7) During the (~~1975-77 biennium~~) 1975-76 program year 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~~) 1975-76 program year.

NEW SECTION. Sec. 49. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation	\$	5,000
Total Appropriation	\$	5,000

The superintendent of public instruction shall submit a report to the 1977 session of the legislature which shall include recommendations for any appropriate changes to the current funding model and distribution formula for general apportionment. The superintendent of public instruction shall include in this report a study of the impact on local school districts of implementing the following distribution formula in the 1978-79 school year.

The superintendent of public instruction shall compute the apportionment of funds for each school district based on the following formula:

- (1) The superintendent of public instruction shall determine the total apportionment funds available for general distribution.
- (2) The superintendent of public instruction shall determine each school district's average annual full time equivalent student enrollment and the state-wide total average annual full time equivalent student enrollment.
- (3) The superintendent of public instruction shall determine the state support per average annual full time equivalent student by dividing the total apportionment funds available for general distribution by the state-wide total average annual full time equivalent enrollment.
- (4) The superintendent of public instruction shall determine each school district's share of the total apportionment funds available for general distribution by multiplying each district's total average annual full time equivalent student enrollment by the state support per average annual full time equivalent student as determined in subsection (3) of this section.

NEW SECTION. Sec. 50. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR DISTRIBUTION FOR SPECIAL LEVY EQUALIZATION

General Fund Appropriation	\$	120,000,000
Total Appropriation	\$	120,000,000

The appropriation contained in this section shall be expended exclusively to carry out the provisions of chapter ... (SHB 1488), Laws of 1975-'76 2nd ex. sess.

NEW SECTION. Sec. 51. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD OF EDUCATION)

General Fund Appropriation	\$	242,531
Total Appropriation	\$	242,531

The appropriation 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 \$76,180 shall be expended to comply with the provisions of chapter 226, Laws of 1975 1st ex. sess. (Relating to education);

(2) Not more than \$41,351 shall be expended for the risk management program;

(3) Not more than \$45,000 shall be expended for the conversion of first class school district financial reports into machine readable form;

(4) Not more than \$60,000 shall be expended to assist second class school districts in subscribing to data processing cooperative services and implementing financial accounting changes;

(5) Not more than \$20,000 shall be expended 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.

The superintendent of public instruction shall reserve the state funds appropriated by this section in an equal amount to any federal funds which are received and which may be expended for these purposes.

NEW SECTION. Sec. 52. 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. 53. 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 this appropriation to support the driver's safety training program.

NEW SECTION. Sec. 54. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE BASIC SKILLS REMEDIATION PROGRAM

General Fund Appropriation	\$	1,500,000
Total Appropriation	\$	1,500,000

The appropriation 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) The superintendent of public instruction is authorized to expend not more than \$45,000 for the purpose of designing, implementing, and monitoring this program.

(2) The superintendent of public instruction shall distribute an amount not to exceed \$1,500,000 for the purpose of implementing a K-3 remedial teaching program for students who have been identified through appropriate tests as being deficient in the reading, writing, and mathematical basic skills.

(3) The superintendent of public instruction shall request a budget from the 1977 session of the legislature for continuation and expansion of this program during the ensuing biennium.

NEW SECTION. Sec. 55. 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. 56. FOR WESTERN WASHINGTON STATE COLLEGE

General Fund Appropriation	\$	30,200
Total Appropriation	\$	30,200

The appropriation 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 \$25,700 shall be expended within the administration and general expense program for reimbursement of actual unemployment compensation expense.

(2) Not more than \$4,500 shall be expended within the instruction and departmental research program for additional costs associated with a program leading to a bachelor of fine arts degree subject to the review and favorable recommendation by the council for postsecondary education.

NEW SECTION. Sec. 57. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$	18,273
Total Appropriation	\$	18,273

The appropriation contained in this section shall be expended exclusively within the Administration and General Expense program for reimbursement of actual unemployment compensation expense.

NEW SECTION. Sec. 58. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

General Fund Appropriation	\$	323,400
Total Appropriation	\$	323,400

The appropriation contained in this section shall be expended exclusively to provide for workload increases in the Fire Service Training program.

NEW SECTION. Sec. 59. FOR THE STATE LIBRARY

General Fund Appropriation	\$	55,000
Total Appropriation	\$	55,000

The appropriation contained in this section shall be expended exclusively for Radio Talking Books for the Blind.

NEW SECTION. Sec. 60. 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 funding is secured.

NEW SECTION. Sec. 61. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	32,768
Total Appropriation	\$	32,768

The appropriation 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 \$20,000 shall be expended for graphic art.

(2) Not more than \$12,768 shall be expended for an inventory of museum holdings.

NEW SECTION. Sec. 62. 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—Land Owner Forest Fire Suppression Account Appropriation	\$	833.38
General Fund—Resources Management Cost Account Appropriation	\$	43,687.82
General Fund—Litter Control Account Appropriation	\$	2,836.95
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	\$	1,108.79
Grain and Hay Inspection Fund Appropriation	\$	2,099.74
Highway Safety Fund Appropriation	\$	38.00
Motor Vehicle Fund Appropriation	\$	30,219.27

Public Service Revolving Fund Appropriation	\$	76.20
State Treasurer's Service Fund Appropriation	\$	870.10
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	\$	96,347.31

Sec. 63. 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 based, 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 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. 64. It is the intent of the legislature that any increased costs of medical malpractice insurance at the University of Washington be met from necessary increases in patient fees and assessments to professional personnel involved in the practice of medicine at the University of Washington.

NEW SECTION. Sec. 65. Section 6, chapter 263, Laws of 1975 1st ex. sess. (uncodified) is hereby repealed.

NEW SECTION. Sec. 66. 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. 67. 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."

Mr. Bender demanded an oral roll call and the demand was sustained.

Mr. Bagnariol spoke in favor of the amendment to the committee amendment.

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Curtis.

Mr. Curtis: "I'm interested in the early collection of levies that you indicated would be coming at us in the revenue package. Do you envision early collection of special levies and regular property tax millage to schools? Could you clarify and tell us what you are going to collect early?"

Mr. Bagnariol: "We are going to be collecting the school portion—basically what we are talking about is the Hodde plan, which is the school portion, both regular and special levies."

MOTION

Mr. Parker moved that the Rules Committee be relieved of HOUSE BILL NO. 950, and that it be placed on the second reading calendar for immediate consideration.

Mr. Parker spoke in favor of the motion.

SPEAKER PRO TEM'S ADMONITION

The Speaker Pro Tem: "Representative Parker, you are ranging far afield from the motion to relieve the Rules Committee of the bill. You're debating the merits of the main question and according to Reed's Rule 120, the main question is not open to discussion on this motion. I would like to have you adhere to the reasons why, directly, you want to put it on the second reading calendar. I think you've covered it pretty well."

Mr. Parker closed his remarks on the motion.

Mrs. Fortson demanded an electric roll call and the demand was sustained.

Mr. Barnes spoke in favor of the motion.

POINT OF INQUIRY

Mr. Parker yielded to question by Mr. Boldt.

Mr. Boldt: "Is House Bill No. 950 a title only bill?"

Mr. Parker: "That's correct; there's an amendment which I believe has been passed out to you, which I will offer if House Bill No. 950 is brought to the floor."

ROLL CALL

The Clerk called the roll on the motion by Representative Parker to relieve the Rules Committee of House Bill No. 950 and place it on the calendar for immediate consideration, and the motion was carried by the following vote: Yeas, 56; nays, 37; not voting, 4.

Voting yea: Representatives Adams, Amen, Barnes, Bausch, Berentson, Boldt, Bond, Brown, Ceccarelli, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Eng, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Jueling, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, McCormick, Nelson, North, Osterman, Pardini, Parker, Patterson, Peterson, Polk, Sawyer, Schumaker, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Becker, Bender, Blair, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Gaspard, Hanna, Haussler, Hawkins, Jastad, Kilbury, Lysen, Maxie, May, McKibbin, Moon, Moreau, Newhouse, O'Brien, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Williams.

Not voting: Representatives Kalich, King, Paris, Smith R.

HOUSE BILL NO. 950, by Representative Adams:

Relating to health, welfare and safety.

The bill was read the second time.

Mr. Parker moved adoption of the following amendment by Representatives Parker and Deccio:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

It is the intent of the legislature that state payments for nursing home care are consistent with the cost of providing a quality level of care.

NEW SECTION. Sec. 2. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows:

The department of social and health services shall establish regulations for reasonable nursing home accounting and reimbursement systems which recognize relevant cost related factors for department of social and health services patients. This shall include, but not be limited to, the scope or level of services or care, requirements of staff, physical plant, a reasonable rate of return on investment, and incentives for improved patient care within funds available to the department for nursing home care. The regulations shall provide that no payment will be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursements of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system. Prior to the convening of each regular legislative session, the department shall provide, to the standing ways and means and social and health services committees of the house and senate, a report which reviews the current status of the nursing home cost reimbursement system and other vendor payment and which includes required state and federal standards maintained, all completed audits, and recommendations for legislative consideration.

NEW SECTION. Sec. 3. To effectuate the purposes of this act, there is hereby appropriated from the general fund to the department of social and health services the sum of fifteen million dollars including eight million fifty-five thousand dollars from federal sources.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Representatives Parker and Deccio spoke in favor of the amendment.

POINT OF ORDER

Mr. Charette: "Isn't there a House rule against reading? I'm sure there is and I believe if anyone wants to hear what the Governor had to say at his press conference, they can read the newspaper or watch TV."

The Speaker Pro Tem: "Your point is pretty well taken, Representative Charette. House Rule 58, 'Reading of a Paper: When the reading of any paper is called for, and is objected to by any member, it shall be determined by a vote of the house.'"

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "Are you going to enforce that rule consistently?"

The Speaker Pro Tem: "Representative Pardini, it has always been the position of the Speaker that when a point of order is raised, he rules at that time and that's the way I am going to rule."

Mr. Deccio continued his remarks in favor of the amendment.

Mr. Barnes demanded an oral roll call and the demand was sustained.

MOTION

Mr. Amen moved that the roll call order be reversed.

The Speaker Pro Tem declared the motion out of order.

Mr. Polk spoke in favor of the Parker/Deccio amendment to House Bill No. 950.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Parker and Deccio to House Bill No. 950, and the amendment was adopted by the following vote: Yeas, 81; nays, 12; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Bender, Berentson, Boldt, Bond, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kilbury, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, Moon, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Sherman, Shinpoch, Smith E. P., Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Becker, Blair, Brown, Charette, Conner, Eikenberry, Hanna, McKibbin, Moreau, Seeberger, Sommers, Thompson.

Not voting: Representatives Kalich, King, Paris, Smith R.

House Bill No. 950 was ordered engrossed.

POINT OF ORDER

Mr. Charette: "We now have a House Bill No. 950 before us that has a \$15 million appropriation in it. Don't the House rules require that it be referred to the Committee on Ways and Means?"

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Rule 82 states in part, 'All bills including a direct appropriation must be referred to the Ways and Means Committee before appearing on the second reading calendar.' This doesn't particularly apply fully to this section, but it has been a precedent established in the House of Representatives that all bills containing and including a direct appropriation must be considered by the Ways and Means Committee. On the basis of the interpretation and that precedent established by the House, and also by referring to this section of Rule 82, I am going to rule that House Bill No. 950 now must be referred to Committee on Ways and Means."

POINT OF PARLIAMENTARY INQUIRY

Mr. Parker: "Where is House Bill No. 950 now?"

The Speaker Pro Tem: "House Bill No. 950 has been referred to Ways and Means."

MOTION

Mr. Parker moved that the Ways and Means Committee be relieved of House Bill No. 950, and that the bill be placed on the second reading calendar for immediate consideration.

On motion of Mr. Thompson, Representative Ceccarelli was excused from the Call of the House.

POINT OF ORDER

Mr. Shinpoch: "In the ruling you just made, you pointed out that it was the custom of the House to send all bills with appropriations to Ways and Means for consideration. Obviously, if we've just referred it, we've had no opportunity to consider that measure. If that is the basis of your ruling, then I guess I think we must have an opportunity to consider it. You were there, Mr. Speaker, when I told Representative Parker that it was possible I would put this on the committee calendar for Monday."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "I think your point of order is well taken. Certainly if the Ways and Means Committee doesn't consider the bill, the motion by Representative Parker just circumvents the rule."

Mr. Parker: "Mr. Speaker, that would be true, except Rule 82 has a proviso which says, 'Provided, That a majority of the members elected to the house may require a committee to report a bill back to the house during the order of business at which it may be considered.' Since we are on second reading, that's the correct order of business."

The Speaker Pro Tem: "It would appear to be only reasonable, Representative Parker, that by strict interpretation of that rule, the committee should have at least the opportunity of looking at the bill and considering it, and by immediately taking the bill away from the committee, you are circumventing the rule. The committee hasn't had an opportunity to review it."

HOUSE BILL NO. 1624:

The House resumed consideration of House Bill No. 1624 on second reading.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Bagnariol and Shinpoch to the committee amendment.

POINT OF PARLIAMENTARY INQUIRY

Mr. Curtis: "In order that I might understand your ruling, I wonder if you would elaborate briefly as to this: Your ruling was that the bill must be referred to the committee and could not be pulled directly to the floor by the majority of the members. Is that because the committee has not had an opportunity to consider the bill, or is it because they have not considered the bill?"

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "It appears the interpretation of that part of the rule, the only reasonable interpretation it seems to me, is that the committee should have the opportunity to review the bill. In this case the bill is being referred to the Ways and Means Committee."

POINT OF PARLIAMENTARY INQUIRY

Mrs. Hurley (Margaret): "Would it require a suspension of the rules in your estimation to bring the bill back before us on second reading?"

The Speaker Pro Tem: "Yes, it would require a suspension of the rules."

MOTIONS

Mr. Parker moved that the rules be suspended, the Committee on Ways and Means be relieved of House Bill No. 950, and the bill be placed on the second reading calendar for immediate consideration.

Mr. Polk moved that the Parker motion be amended to place consideration of House Bill No. 950 on the second reading calendar after consideration of House Bill No. 1624.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Parker has actually two motions in his one motion. He has a motion to suspend the rules and to place the bill on the calendar for second reading for immediate consideration. It would appear that the motion to suspend the rules and place on the second reading calendar would be one motion and when it is placed on second reading, then it would require another motion to immediately consider it. I'm going to rule, Representative Parker, that the first part of your motion should be considered first—the motion to suspend the rules and place House Bill No. 950 on the calendar for second reading. If the motion prevails, then another motion would be in order."

ROLL CALL

The Clerk called the roll on the motion by Representative Parker to suspend the rules and relieve the Committee on Ways and Means of House Bill No. 950 and place on the second reading calendar, and the motion was lost by the following vote: Yeas, 45; nays, 47; not voting, 5.

Voting yea: Representatives Adams, Barnes, Bausch, Berentson, Bond, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Knowles, Kuehne, Leckenby, Lee, Martinis, Matthews, McCormick, Nelson, Newhouse, North, Osterman, Pardini, Parker, Patterson, Polk, Sawyer, Schumaker, Tilly, Warnke, Whiteside, Wilson, Wojahn.

Voting nay: Representatives Amen, Bagnariol, Bauer, Becker, Bender, Blair, Boldt, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Flanagan, Gaspard, Hanna, Haussler, Hawkins, Jastad, Juelling, Kilbury, Laughlin, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, O'Brien, Perry, Peterson, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Williams, Zimmerman.

Not voting: Representatives Ceccarelli, Kalich, King, Paris, Smith R.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Bagnariol and Shipoch to the committee amendment to House Bill No. 1624.

Mr. Polk spoke against adoption of the amendment.

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Douthwaite.

Mr. Douthwaite: "My question deals with the five percent in the amendment for faculty and exempt employees of four-year units of higher education and the community college system and commissioned members and cadets of the Washington State Patrol, and then for everyone else on state employment we go to the salary survey, which averages a higher rate than five percent probably. I wondered why it was that the higher education faculty and the community college faculty and the cadets of the State Patrol were not included in the salary survey figure and why a simple five percent was given for them?"

Mr. Bagnariol: "Pure and simply, we ran out of money. I don't mean to be facetious, but in an effort to try to balance this budget within the revenues that I'm assuming are available, I wanted to fund the survey, because we did conduct a survey for the public employees and we did not conduct a survey for higher education faculty or for the State Patrol or for the community college faculty or the exempt personnel. But I did want to make sure that we had some kind of a pay increase included. We started out, as you know, with a five percent increase for all the employee groups that we fund at the state level and it just got to the position where we would have had to extend about \$3.5 or \$4 million to have given those categories the same pay increase, which worked out to 8.4% as opposed to five percent, and the dollars just weren't there."

Mr. Douthwaite: "Do you anticipate a salary survey will be conducted for these other members of the state employment system who are left out at this time?"

Mr. Bagnariol: "No, we don't have any survey planned. In regard to the State Patrol, that's one area I suppose that we can easily compare as we can compare them with the major police departments in the state, the major sheriff's departments, and they are lagging behind, there's no question about that. We do not intend on having a salary survey for higher education faculty or community college faculty."

Mr. Newhouse spoke in favor of the amendment to the committee amendment, and Mr. Douthwaite spoke against it.

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Flanagan.

Mr. Flanagan: "I notice that a substantial part of this salary increase for state employees and so forth comes from the Special Fund Salary Increase Revolving Fund. Does that mean fees, such as from the Department of Game, Department of Agriculture and fuel tax from the Highway Department, and all of these kinds of things?"

Mr. Bagnariol: "Yes."

Mr. Flanagan: "Inasmuch as some of these departments appear to be extremely short of money and we are curtailing programs, how do we know that there is this much money available there to get it from these various things to pay this salary increase?"

Mr. Bagnariol: "Based on our information, those dollars would be available in all these small funds, the fees, and all the rest of them to pay the salary increases that are requested in this particular amendment, just as there was in the Governor's budget when he recommended the five percent. He also used those same funds to fund the pay increases for the employees in those particular categories."

Mr. Flanagan spoke against adoption of the amendment.

MOTION

On motion of Mr. Thompson, Representative Gilleland was excused from the Call of the House.

POINT OF INQUIRY

Mr. Charette yielded to question by Mr. Pardini.

Mr. Pardini: "I want to make sure because I do not want to antagonize you and my question is a serious one. I want you to know that Funk & Wagnall's describes a solicitor as a person who solicits, especially one who solicits gifts of money or magazine subscriptions. It also describes him as a legal advisor in the courts of England and a lawyer who may advise clients or prepare cases for presentation in court. I'm placing my question to you under the last description in Funk & Wagnall's because I believe you to be a distinguished and erudite man, Mr. Solicitor. If I were your client, sir, and you were representing me and we had a potential courthouse doorstep settlement of \$25 million, potential, would you advise me to go out and spend that?"

Mr. Charette: "Representative Pardini, as long as it has come down to this, I think I would like to delay the answer; I'd like to see the size of your wallet before I give you any advice."

Representatives Pardini and Patterson spoke against the amendment.

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Moon.

Mr. Moon: "As I compare this amendment to the committee amendment, I find that section 51 is omitted. Section 51 in the committee amendment dealt with the small school district grants program. I assume that this is taken care of with the revision of the FTE formula, is this correct?"

Mr. Bagnariol: "Yes."

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Curtis.

Mr. Curtis: "In your amendment, page 11, section 21, for the Liquor Control Board, I see a small appropriation of \$5,000. The verbiage says the Liquor Control Board is authorized to enter into agreement with the Port of Seattle, etc. If you look on page 4 of the committee report of the capital budget, section 6, it says the Liquor Control Board is authorized in agreement with the Port of Seattle, etc. . . . \$5,000. We were told in committee when we considered the capital budget that the \$5,000 was inappropriately placed in the operating budget and should have been in the capital budget, and yet we have the same \$5,000 in your draft of the operating budget, and \$5,000 in the draft out of committee of the capital budget. Which is correct?"

Mr. Bagnariol: "The money belongs in the capital budget and apparently there was a drafting error."

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Hurley (George).

Mr. Hurley (George): "We went through this budget quite thoroughly yesterday, and we've gone through it quite thoroughly today and it is going to the Senate and I imagine they will scrutinize it and redo it very carefully and I would also imagine that when it comes back

to the House it will be in pretty good condition. Don't you feel that will happen and that we are wasting a lot of time now that we have gone through as much detail as we have?"

Mr. Bagnariol: "That's a hard question to answer. I'm not sure you'll recognize it when it comes back from the Senate, but I would like to get it over there and try."

Mr. Hurley (George) spoke in favor of adoption of the amendment to the committee amendment.

ROLL CALL

The Clerk called roll on the adoption of the amendment by Representatives Bagnariol and Shinpoch to the committee amendment to House Bill No. 1624, and the amendment was adopted by the following vote: Yeas, 48; nays, 43; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Gaines, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Kilbury, Laughlin, Leckenby, Lux, Lysen, Maxie, May, McKibbin, Moreau, Newhouse, O'Brien, Osterman, Perry, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Thompson, Valle, Warnke, Williams, Zimmerman.

Voting nay: Representatives Amen, Barnes, Berentson, Bond, Brown, Chandler, Charette, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gallagher, Greengo, Haley, Hansen, Hansey, Hayner, Hurley M., Jastad, Juelling, Knowles, Kuehnle, Lee, Martinis, Matthews, McCormick, Moon, Nelson, North, Pardini, Parker, Patterson, Peterson, Polk, Schumaker, Sommers, Tilly, Whiteside, Wilson, Wojahn.

Not voting: Representatives Ceccarelli, Gilleland, Kalich, King, Paris, Smith R.

The committee amendment as amended was adopted.

Mr. Bagnariol moved adoption of the committee amendment to the title.

On motion of Mr. Bagnariol, the following amendment by Representatives Bagnariol and Shinpoch to the committee amendment to the title was adopted:

On page 37, line 2 of the title amendment strike the entire title amendment by the Committee on Ways and Means and insert:

"On page 1, on line 1 of the title after "AN ACT Relating to" strike the remainder of the title and insert "expenditures by state agencies; adopting a supplemental budget for the fiscal biennium beginning July 1, 1975, and ending June 30, 1977; making appropriations; 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 187, chapter 269, Laws of 1975 1st ex. sess. (uncodified); repealing section 6, chapter 263, Laws of 1975 1st ex. sess. (uncodified); and declaring an emergency."

The committee amendment to the title as amended was adopted.

House Bill No. 1624 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1624 was placed on final passage.

Mr. Bender demanded an oral roll call and the demand was sustained.

Mr. Bagnariol spoke in favor of passage of the bill, and Representatives Polk and Peterson spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1624, and the bill failed to pass the House by the following vote: Yeas, 45; nays, 46; not voting, 6.

Voting yea: Representatives Adams, Bauer, Bausch, Becker, Bender, Blair, Boldt, Chandler, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Gaines, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Kilbury, Laughlin, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, O'Brien, Osterman, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Thompson, Valle, Warnke, Williams, Zimmerman.

Voting nay: Representatives Amen, Bagnariol, Barnes, Berentson, Bond, Brown, Charette, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Flanagan, Fortson, Freeman, Gallagher, Greengo, Haley, Hansen, Hansey, Hayner, Hurley M., Jastad, Juelling, Knowles, Kuehnle, Leckenby, Lee, Martinis, Matthews, McCormick, Nelson, Newhouse, North, Pardini, Parker, Patterson, Peterson, Polk, Sawyer, Schumaker, Sommers, Tilly, Whiteside, Wilson, Wojahn.

Not voting: Representatives Ceccarelli, Gilleland, Kalich, King, Paris, Smith R.

Engrossed House Bill No. 1624, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Mr. Bagnariol, having voted on the prevailing side, served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed House Bill No. 1624 failed to pass the House.

MOTIONS

On motion of Mr. Thompson, all bills remaining on today's calendar were ordered placed on the calendar of the next working day.

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Monday, February 23, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FIFTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, February 23, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Gallagher, Pardini, Paris and Sawyer. Representatives Pardini, Paris and Sawyer were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Fiona Sigalla and Greg Anderson. Prayer was offered by Father William L. Treacy of St. Michael's Catholic Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE GOVERNOR

February 21, 1976

**TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON**

Ladies and Gentlemen:

I have the honor to advise that on February 21, 1976, Governor Evans approved the following House Bills entitled:

HOUSE BILL NO. 38: Implementing law relating to recall of public officials.

HOUSE BILL NO. 70: Providing for licensing and taxing of movie and telecast showing of boxing and wrestling matches.

HOUSE BILL NO. 425: Providing for enforcement of the state predetermined wage act.

SUBSTITUTE HOUSE BILL NO. 455: Regulating the determination and use of marine fuel tax moneys.

SUBSTITUTE HOUSE BILL NO. 676: Modifying certain shoreline management procedures.

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.

HOUSE BILL NO. 1291: Permitting the operation of forty-foot school buses.

HOUSE BILL NO. 1382: Making technical corrections for the implementation of staggered vehicle registration periods.

HOUSE BILL NO. 1434: Relating to outdoor advertising.

Sincerely,
CHI-DOOH LI, Legal Counsel.

February 20, 1976

**TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON**

Ladies and Gentlemen:

I have the honor to advise that on February 20, 1976, Governor Evans approved the following House Bills, entitled:

HOUSE BILL NO. 671: Modifying timber tax revenue distribution.

SUBSTITUTE HOUSE BILL NO. 802: Providing uniformity in payment of travel expenses for most state officials and employees.

HOUSE BILL NO. 1257: Removing residency and practice requirement for municipal judges.

HOUSE BILL NO. 1259: Making certain changes in the laws relating to agricultural water supplies.

HOUSE BILL NO. 1344: Establishing responsibility for enforcement of the uniform fire code.

SUBSTITUTE HOUSE BILL NO. 1347: Correcting technical errors in the Washington Criminal Code.

HOUSE BILL NO. 1436: Providing for licensing of specialty electricians.

Sincerely,
CHI-DOOH LI, Legal Counsel.

February 21, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am returning herewith without my approval as to one section, HOUSE BILL NO. 1529, entitled:

"AN ACT Relating to county operated ferries."

This bill makes various changes to clarify the existing law on the distribution of the county share of motor vehicle fund moneys for the operation of ferries and on the level of ferry toll rates.

Section 3 of the bill declares an emergency and provides for the act to take effect immediately. I have on several recent occasions vetoed emergency clauses from bills that did not measure up to the standard of urgency contained in Article II, section 1(b) of our Constitution. I must raise the same objection again with respect to this bill.

I am advised by the prime sponsor of the bill that there will be no adverse consequences if the bill does not go into effect until the usual 90 days after adjournment of the session sine die.

With the exception of section 3 which I have vetoed, the remainder of House Bill No. 1529 is approved.

Respectfully submitted,
DANIEL J. EVANS,
Governor.

February 21, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
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 compense 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 the 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 altogether.

Respectfully submitted,
DANIEL J. EVANS,
Governor.

MESSAGES FROM THE SENATE

February 20, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 3261,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

February 20, 1976

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 721,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

February 20, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 779, and the President has appointed as conferees thereon: Senators Bailey, Buffington, Rasmussen.

Bill Gleason, Assistant Secretary.

February 20, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SENATE BILL NO. 2989, and the President has appointed as conferees thereon: Senators Beck, Lewis (Bob), Stortini.

Bill Gleason, Assistant Secretary.

February 20, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1329, and the President has appointed as conferees thereon: Senators Beck, Matson, Bottiger.

Bill Gleason, Assistant Secretary.

February 20, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, and the President has appointed as conferees thereon: Senators Washington, Pullen, Knoblauch.

Bill Gleason, Assistant Secretary.

February 29, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1340, and the President has appointed as conferees thereon: Senators Bottiger, Clarke, Walgren.

Bill Gleason, Assistant Secretary.

POINT OF PERSONAL PRIVILEGE

Mr. Douthwaite: "I would like to read a statement regarding amnesty which the Governor has made at this time.

'Statement by the Governor.

The Indo-China War which touched the lives of all the American citizens has ended. Our prisoners of war have returned and the United States has given refuge to Indo-Chinese refugees. Many hundreds of thousands of Americans and their families still suffer the effects

of this war. Throughout our 200 years of history, amnesty has been declared after wars in which Americans fought.

Be it resolved, that the wounds of that war will be healed and that we will remember those who have perished and seek peace with those who remain. Therefore, I, Daniel J. Evans, Governor of the State of Washington, do hereby declare February 22 - 29 as being Amnesty Week.'

Ladies and gentlemen, I just would like to request that each of us do what we can to facilitate the healing of the wound in our nation by helping to solve the problems of amnesty in any way that we can. Thank you."

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Substitute House Bill No. 769 as amended by the Senate. (For previous action, see Journal, Forty-seventh Day, February 20, 1976.)

Mr. Newhouse spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 769 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 66; nays, 9; not voting, 22.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charnley, Cochrane, Curtis, Deccio, Douthwaite, Ehlers, Erickson, Fischer, Flanagan, Fortson, Gaines, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Kuehnl, Laughlin, Leckenby, Lee, Maxie, May, McCormick, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Parker, Patterson, Peterson, Polk, Schumaker, Seeberger, Sherman, Smith E. P., Smith R., Sommers, Tilly, Whiteside, Williams, Wilson.

Voting nay: Representatives Bausch, Charette, Conner, Moon, Shinpoch, Thompson, Warnke, Wojahn, Zimmerman.

Not voting: Representatives Bond, Clemente, Dunlap, Eikenberry, Eng, Freeman, Gallagher, Hanna, Hayner, Hurley G. S., Kalich, Lux, Lysen, Martinis, Matthews, McKibbin, Pardini, Paris, Perry, Randall, Sawyer, Valle.

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.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 54, by Representatives Pardini, Moreau and Berentson:

Suspend Senate Concurrent Resolution No. 125 for consideration of Substitute Senate Bill No. 3097.

To Committee on Rules for second reading.

ENGROSSED SENATE BILL NO. 3261, by Senator Rasmussen (by Lieutenant Governor request):

Relating to state government.

To Committee on Rules for second reading.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

Mr. Thompson demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Gallagher, Pardini, Paris and Sawyer.

MOTIONS

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

On motion of Mr. Thompson, the House advanced to the eighth order of business.

MOTION FOR RECONSIDERATION

Mr. Bagnariol, having voted on the prevailing side, moved that the House now reconsider the vote by which Engrossed House Bill No. 1624 failed to pass the House.

Mr. Bagnariol spoke in favor of the motion, and it was carried.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1624.

Mr. Bender demanded an oral roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1624, and the bill passed the House by the following vote: Yeas, 50; nays, 43; not voting, 4.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Gaines, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Kilbury, King, Laughlin, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, O'Brien, Osterman, Perry, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Voting nay: Representatives Amen, Barnes, Berentson, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hurley M., Jastad, Jueling, Kalich, Knowles, Kuehne, Leckenby, Lee, Martinis, Matthews, McCormick, Nelson, Newhouse, North, Parker, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Gallagher, Pardini, Paris, Sawyer.

Engrossed House Bill No. 1624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I voted "no" on this budget proposal for these reasons:

1. The budget proposal fails to fund certain special education personnel, fails to provide funds to continue 80% transportation reimbursements to counties, and fails to assist those school districts which lost two levy elections for the 1976 collection.
2. The measure included \$10 million more than is required to implement the state employee salary survey. It also failed to apply these increases equitably, by giving a higher increase to some employees than those in Community Colleges and other institutions of higher learning.
3. At the same time, the budget did not include adequate increases for nursing homes, community-based programs for the mentally ill, and group homes for predelinquents.
4. The bill does not adequately deal with the special levy funding needs of schools.
5. Finally, with the dissatisfaction of members with this proposal, I felt it best not to be the 50th vote to send such an inadequate proposal to the Senate.

HAL ZIMMERMAN, 17th District.

MOTIONS

On motion of Mr. Thompson, Engrossed House Bill No. 1624 was ordered transmitted immediately to the Senate.

On motion of Mr. Thompson, the Rules Committee was relieved of HOUSE BILL NO. 1217, and the bill was rereferred to Committee on Ways and Means - Revenue.

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Gallagher, Pardini and Sawyer, who were excused.

The Speaker Pro Tem declared the House to be at ease.
The Speaker Pro Tem called the House to order.

MESSAGES FROM THE SENATE

February 23, 1976

Mr. Speaker:

The President has signed:

HOUSE JOINT RESOLUTION NO. 64,
SENATE CONCURRENT RESOLUTION NO. 129,
SENATE CONCURRENT RESOLUTION NO. 130,
SENATE CONCURRENT RESOLUTION NO. 131,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

February 23, 1976

Mr. Speaker:

The Senate has concurred in the House amendment to SENATE BILL NO. 3247, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

February 23, 1976

Mr. Speaker:

The Senate has concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 3271 and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SENATE CONCURRENT RESOLUTION NO. 129,
SENATE CONCURRENT RESOLUTION NO. 130,
SENATE CONCURRENT RESOLUTION NO. 131.

MOTION

On motion of Mr. Thompson, the House reverted to the sixth order of business.

SECOND READING

REENGROSSED SENATE BILL NO. 3038, by Senators von Reichbauer, Rasmussen and Gould:

Supplementing loitering statute as formerly applicable to public and private schools.

The bill was read the second time.

Committee on Education recommendation: Majority, do pass as amended. (For amendments, see Journal, Thirty-seventh Day, 2nd ex. sess., February 10, 1976.)

Mr. Bauer moved adoption of the committee amendment to page 1, line 11.

Mr. Bauer moved adoption of the following amendment by Representatives Bauer and Brown to the committee amendment:

On page 1, beginning on line 11 strike all the material down to and including "school" 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."

Mr. Bauer spoke in favor of the amendment to the committee amendment.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "In quickly reading this language, I want to ask the question, is it your intention in the language '...when such person is committing or attempting to commit any act, which would materially endanger the health, ...' Is that designed to modify instructions by a law enforcement officer only? Or is that language applicable to an order given by a superintendent, a principal, a vice principal or other designated school official?"

Mr. Bauer: "I was told by legal counsel that the language was necessary for a clarification of actual happening to make it easier to secure conviction. The other language was too loose and not definitive enough."

Mr. Kuehnle: "You're not answering my question. My concern is the commas that are placed in this thing and the way it is now worded. I would interpret it as saying a person who wilfully refuses to leave any motor vehicle, building, ground, etc., upon being ordered to do so by a superintendent, a principal or a vice principal is guilty of violating this section, but in the case of a law enforcement officer ordering them to leave, then the law enforcement officer could only do that under those circumstances when he believes the person is committing or threatening to commit an act which would materially endanger the health, welfare, etc., of the school district."

Mr. Bauer: "It means any or all of them."

MOTION

On motion of Mr. Kuehnle, further consideration of Rengrossed Senate Bill No. 3038 was deferred until after consideration of Senate Bill No. 2440.

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 second time.

The Clerk read the following amendment by Representative Tilly:

On page 3, line 4 after "expired." add new sections as follows:

"NEW SECTION. Sec. 3. There is added to chapter 9A.20 RCW a new section to read as follows:

Every person convicted of a felony against another person, including the crime of murder in the first degree, murder in the second degree, manslaughter in the first degree, assault in the first degree, assault in the second degree, kidnapping in the first degree, kidnapping in the second degree, arson in the first degree, burglary in the first degree, extortion in the first degree, robbery in the first degree, and robbery in the second degree shall, in addition to the provisions of RCW 9A.20.020, be punished as follows:

(a) For a Class A felony against another person, by a mandatory minimum sentence of twenty-four months;

(b) For a Class B felony against another person, by a mandatory minimum sentence of eighteen months.

The mandatory minimum sentence prescribed in (a) and (b) of this section shall not be deferred, suspended, set aside, or reduced by an authority for any reason whatsoever, and no person convicted of a felony against another person shall be placed on probation.

NEW SECTION. Sec. 4. 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. 5. Section 3 of this 1976 amendatory act shall take effect July 1, 1976."

POINT OF ORDER

Mr. Parker: "I would like to raise a point of order with regard to this amendment on the basis of scope and object."

Mr. Tilly spoke to the amendment.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Senate Bill No. 2440 makes the necessary changes and requirements of the Board of Prison Terms and Paroles to conform with the legislature's prior

actions, increasing the membership of the board from five to seven. This is more or less to spell out the majority of the members of the board and to clarify majority vote requirement. The amendment by Representative Tilly deals with the mandatory minimum sentences, which is not really within the scope and object of the original subject matter of the bill. Therefore, in view of House Rule 33 which states that amendments have to be germane and requires such amendments to be on the subject matter under consideration, I will rule the amendment out of order."

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 2440 was placed on final passage.

Representatives Hanna, Eikenberry and Tilly spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 2440, and the bill passed the House by the following vote: Yeas, 89; nays, 0; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Bond, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Berentson, Brown, Gallagher, Hurley G. S., May, Pardini, Perry, Sawyer.

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.

REENGROSSED SENATE BILL NO. 3038:

The House resumed consideration of the bill on second reading.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Bauer and Brown to the committee amendment, which had been corrected as follows: Strike the comma after "of the school district" on line 5 and insert a comma after "officer"

The amendment to the committee amendment was adopted; and the committee amendment as amended was adopted.

On motion of Mr. Bauer, the committee amendment to page 1, line 21 was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Reengrossed Senate Bill No. 3038 as amended by the House was placed on final passage.

Mr. Bauer spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Brown yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "Will you tell me what the last two lines of the bill mean? It says, 'This section shall be deemed void and of no effect as of such time as Title 9A RCW shall become effective.'"

Mr. Brown: "Title 9A RCW is the new criminal code and when it becomes effective it will cover the loitering question, but until that time this bill would have to cover it."

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Senate Bill No. 3038 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 0; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon,

Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Gallagher, Leckenby, Pardini, Sawyer.

Reengrossed Senate Bill No. 3038 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.

ENGROSSED SENATE BILL NO. 2982, by Senators Woody, Lewis (R.H.), 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.

POINT OF ORDER

Mr. Eikenberry: "Mr. Speaker, I would raise a point of order that this bill is beyond the terms of Senate Concurrent Resolution No. 125. I realize that SCR 125 does exempt from the cut-off matters relating to public schools, but I would think if we took a poll of every member in the body here we would agree that the reason for that wording was to include in the exemption pertaining to education reform as well funding, and this bill deals with fire standards in schools and codes, and I would submit that this is not included in the exemption and would, therefore, be out of order for us to consider."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Eikenberry, if you will read Senate Concurrent Resolution No. 125, it was amended on the floor of the House and it broadened the whole scope of matters pertaining to public schools. It says, '... except for proposals dealing with public schools and matters related thereto.' It's a very difficult question to resolve. Where do you draw the line?"

MOTION

On motion of Mr. Thompson, further consideration of Engrossed Senate Bill No. 2982 was deferred, and the bill was ordered placed at the bottom of today's second reading calendar.

ENGROSSED SENATE BILL NO. 3070, by Senators Guess, Henry and Lewis (Harry):

Revising the fee structure for motor vehicle tonnage licenses.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3070 was placed on final passage.

Mr. Hansen spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Hansen yielded to question by Mr. Amen.

Mr. Amen: "You stated this provides better protection for our roads; how can it do it? The way I see it, the weight limit has been increased from 72,000 to 80,000 pounds. How do we get better protection on that?"

Mr. Hansen: "As it is today, all they have to do is go in and apply for a permit and the 80,000 pounds is granted. With the updating of the road system and of trucks over the many years since there has been any legislation in this field, the length of trucks, the wheel spacing, and so forth, things have changed and this brings us into conformity with federal laws and other neighboring states. When truckers come in from Oregon, in order to comply with our outdated laws in the state of Washington, they have to stop and shift part of their load forward and back to fit the state of Washington load limits. They were able to buy permits in the state of Washington and so it does not add anything to the weight, and the added cost of the permits is added to the license, so they can buy 80,000 now instead of bothering with all the paper work on the permits."

Representative Douthwaite spoke in favor of the bill, and Representative Hansen spoke again in favor of it.

POINT OF INQUIRY

Mr. Hansen yielded to question by Mr. Blair.

Mr. Blair: "You indicated this would result in another \$20,000 annual reduction in the amount of funds going in to the Motor Vehicle Revenue Fund. Could you give us an explanation of why that takes place?"

Mr. Hansen: "When you balance the program out of a \$20 million program that we are talking about with the trucks, the licenses and everything—when you figure it down to no fiscal impact and you come within \$20,000, \$20,000 out of \$20 million is pretty minor. It has an offsetting portion in here too, doubling the fees, the penalties for the State Patrol for overloads and things like that, so that will more than offset the \$20,000 loss to the Department of Motor Vehicles that will go to the Safety Department of the Highways, so it will be an offsetting cost."

Mr. Blair: "Are you saying then that the fiscal note is incorrect and that in fact the state will derive more income?"

Mr. Hansen: "No, the state as a whole will derive more revenue, but not the Department of Motor Vehicles. This is the fiscal impact statement of DMV and says they will lose \$20,000. We are doubling the fees that go into the Safety Fund which do not go directly to the DMV. To the state as a whole, yes, it raises more revenue than before."

POINT OF INQUIRY

Mr. Douthwaite yielded to question by Mr. Dunlap.

Mr. Dunlap: "I appreciate the information you provided to the members of the House. I wonder if in the highway cost allocation study you referred to, whether it's possible to judge from that study whether statute 32, that supplies in the extreme case up to five-axle truck/trailer vehicles is sufficient to cover the additional cost of maintenance that those vehicles bring about?"

Mr. Douthwaite: "I think that is a key question and I was unable to satisfy myself really to answer a yes or a no, but I did notice that when all is said and done the automobiles in the state pay 76.4% of the total highway bill and trucks pay the remaining 23.6% in the state of Washington. In our neighboring state of Oregon it's rather interesting to note that the automobiles pay 53% and the trucks pay 37%. A good deal more is paid in the state of Oregon to operate trucks on the highways, so if you compare these two, it would seem that we are doing the truckers a favor and ourselves a disfavor. That's a very difficult question to answer and I really can't answer it honestly."

POINT OF INQUIRY

Mr. Hansen yielded to question by Mr. Greengo.

Mr. Greengo: "I haven't had a chance to read this bill. Is there anything in it at all that increases the allowable actual weight load on the highways?"

Mr. Hansen: "No, absolutely not."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3070, and the bill passed the House by the following vote: Yeas, 91; nays, 2; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeburger, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Douthwaite, Hawkins.

Not voting: Representatives Gallagher, Pardini, Sawyer, Sommers.

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.

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.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3074 was placed on final passage.

Mr. Hansen spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Hansen yielded to question by Mr. Blair.

Mr. Blair: "I notice this bill has an emergency clause on it and it seems to me that on our desks this morning was a message from the Governor relating to a bill that had something to do with ferries and it had an emergency clause on it which he had vetoed out of the bill. Are we putting ourselves into that same circumstance again? Is there a true emergency in regard to the provisions of this bill or is it just one of those emergency clauses that happened to get hung on?"

Mr. Hansen: "I can't exactly answer you. I think there is an emergency here because at the present time the county ferries are having to pay their portion of the gas tax funds that are eligible for the counties to sustain these systems and they are running into a need of updating and one thing and another. If this bill is passed it would allow them to reschedule their systems as part of the highway system—county road system and then they would have to go through the Highway Commission on the rates to see that their portion of the rates they are charging are equitable so federal money could be allocated."

Mr. Blair: "You think then the reason for the emergency clause is to permit the Highway Commission to begin immediate consideration of this?"

Mr. Hansen: "Yes, I do."

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3074, and the bill passed the House by the following vote: Yeas, 92; nays, 1; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greeno, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Kuehne.

Not voting: Representatives Deccio, Gallagher, Pardini, Sawyer.

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.

ENGROSSED SENATE BILL NO. 3116, by Senators Francis, Van Hollebeke and Jones:

Making changes in the laws relating to incorrigible children.

The bill was read the second time.

Committee on Judiciary recommendation: Majority, do pass as amended. (For amendments, see Journal, Fortieth Day, 2nd ex. sess., February 13, 1976.)

On motion of Mr. Seeberger, the committee amendments were adopted.

Mr. Paris moved adoption of the following amendment by Representatives Paris, Hayner, Lysen and Parker:

On page 1, insert a new section 1 as follows:

"NEW SECTION. Section 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.

Representatives Paris and Seeberger spoke in favor of the amendment, and it was adopted.

Mr. Eikenberry moved adoption of the following amendment:

On page 1, line 30 after "RCW" insert "so long as such facility is used to provide for delinquent children"

Representatives Eikenberry and Seeberger spoke in favor of the amendment, and Representatives Perry, Charette and Hanna spoke against it.

POINT OF INQUIRY

Mr. Eikenberry yielded to question by Mr. Knowles.

Mr. Knowles: "Is it possible, Representative Eikenberry, (I've been examining your amendment and trying to determine the purpose of it) that in a facility you could still separate the delinquent child from the incorrigible child and still fall within the bill?"

Mr. Eikenberry: "I believe the answer to your question is no, it would not. The bill now provides that the only kind of child that could be committed to any of the institutions created under 72.16 through 72.20 RCW would be the delinquent child and the purpose of my amendment is to say that if any of those institutions that now exist or if any is created in the future under these laws that are only for dependent children, then those dependent children could be sent there."

Mr. Knowles: "But they could not be kept separate?"

Mr. Eikenberry: "I believe not except to the extent the committee amendment on page 2 creates an exception for 30-day diagnostic treatment."

Mr. Eikenberry again spoke in favor of the amendment, and Mr. Ceccarelli spoke against it.

POINT OF INQUIRY

Mr. Seeberger yielded to question by Mr. Smith (Rick).

Mr. Smith (Rick): "Is it your understanding that the federal law prohibits the locking up of incorrigible children, or simply the locking up of delinquent children?"

Mr. Seeberger: "I don't know which it is. I don't think it prohibits either right now, certainly not before the summer of 1977, and in any case the amount of federal funds that would be lost by not complying with the federal act is rather small. I don't recall the exact figure, but I remember being impressed that they weren't very great at all."

Representatives Smith (Rick) and Charette spoke in opposition to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Eikenberry to Engrossed Senate Bill No. 3116, and the amendment was not adopted by the following vote: Yeas, 34; nays, 61; not voting, 2.

Voting yea: Representatives Amen, Barnes, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Juelling, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Parker, Patterson, Polk, Schumaker, Seeberger, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Paris, Perry, Peterson, Randall, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Pardini, Sawyer.

On motion of Mr. Seeberger, the committee amendment to the title was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3116 as amended by the House was placed on final passage.

Mr. Seeberger spoke in favor of passage of the bill, and Mr. Eikenberry spoke against it.

POINT OF INQUIRY

Mr. Eikenberry yielded to question by Mr. Hurley (George).

Mr. Hurley (George): "You've been quite critical of DSHS and on this whole question I've listened to your explanations and I know they are honest and sincere, but I wonder if you'd be willing to give the funds that are necessary for DSHS to do the job with the incorrigibles and others? I mean we are constantly hearing extreme criticisms that the DSHS is constantly wasting money and so if we appropriated money for this type of thing, would you again criticize it as wasteful money?"

Mr. Eikenberry: "Sir, you did not hear in my remarks me being critical of DSHS for spending money on juveniles. As a matter of fact it has been my experience, both as a prosecutor and as a defense counsel, to look over rap sheets and just see a pattern of minor offense, minor offense, minor offense—pow, you've got an assault or a homicide. I don't think there's anyplace better in the world to spend money than with children. If you took my remarks as being critical of those funds then I wasn't clear enough and I hope you will understand otherwise."

Representatives Becker, Hanna, Charette, Smith (Rick) and Wojahn spoke in favor of passage of the bill.

Mr. Charnley demanded the previous question, and it was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate bill No. 3116 as amended by the House, and the bill passed the House by the following vote: Yeas, 83; nays, 12; not voting, 2.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Perry, Peterson, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bond, Deccio, Dunlap, Eikenberry, Freeman, Greengo, Haley, Kuehnle, Lee, Parker, Patterson, Polk.

Not voting: Representatives Pardini, Sawyer.

Engrossed 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.

ENGROSSED SENATE BILL NO. 3148, by Senators Henry, Morrison and Beck:

Authorizing the sale and issuance of state highway construction bonds.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3148 was placed on final passage.

Mr. Hansen spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Hansen yielded to question by Mrs. North.

Mrs. North: "In any of this funding are the Urban Arterial Board funds mentioned?"

Mr. Hansen: "No, they are not, it's just highway construction money."

POINT OF INQUIRY

Mr. Hansen yielded to question by Mr. Douthwaite.

Mr. Douthwaite: "For the record, Representative Hansen, do you anticipate this might necessitate the increase of the gasoline tax?"

Mr. Hansen: "No, not this portion of it here, but if we continue construction there will have to be an increase in the gas tax down the road. All this will allow us to do is to put out on contract and guarantee the finish of the projects such as Donn Charnley's favorite one, the

Washtucna-Hooper Road, that will be one of the contracts that will be let in this biennium and this \$30 million—if there is a fall-off in the gas tax revenue, then we will allow the Highway Department, as an insurance policy only, to have the money to complete those jobs."

Representatives Douthwaite and Leckenby spoke against passage of the bill, and Mr. Hansen again spoke in favor of it.

POINT OF INQUIRY

Mr. Hansen yielded to question by Mr. Patterson.

Mr. Patterson: "Under section 2 there is a reference made to the sum of \$30 million in general obligation bonds to the state of Washington. The thing I would like to establish for the record is whether or not the reference is made that these would be paid back, I presume, out of the gas tax collections? I'm not so sure that is the case and I want to know what your interpretation of what section 2 does when they make them general obligation bonds. My interpretation is that is the general obligation of the general funds of the state of Washington in the event the gas tax revenues do not meet that."

Mr. Hansen: "I think you sat in committee and listened to this the same as I did, and it is my understanding that this would come off the top before any allocations came out for the cities, the counties, the State Patrol, the DMV or anything else. It would be added to the obligation that we are already paying this year lowered to \$70 million per year for the bond issues that we have already issued that are paying for highways. This will be about \$5 million, which will bring the total up to \$75 million which it has been in the past. It will be the same allocation out of the gas tax funds and comes ahead of any other priorities."

Mr. Patterson: "In other words, it's your understanding that these bonds will be retired if they are issued by gas tax collections? And it is not a general fund obligation?"

Mr. Hansen: "That is the way it was explained to both of us, yes."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3148, and the bill passed the House by the following vote: Yeas, 64; nays, 27; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bender, Berentson, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Clemente, Conner, Curtis, Eng, Fischer, Fortson, Gaines, Gallagher, Gilleland, Hanna, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Jastad, Jueling, Kalich, Kilbury, King, Kuehne, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Perry, Polk, Seeberger, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Becker, Blair, Chandler, Cochrane, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Flanagan, Freeman, Gaspard, Greengo, Haley, Hawkins, Hurley M., Leckenby, Parker, Patterson, Peterson, Randall, Schumaker, Sherman, Whiteside, Williams.

Not voting: Representatives Bausch, Knowles, Pardini, Sawyer, Valle, Warnke.

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.

SUBSTITUTE SENATE BILL NO. 3274, by Committee on Transportation and Utilities (Originally sponsored by Senator Walgren):

Authorizing toll bridge authority to guarantee payment of bond for public facilities reasonably related to improvement of ferry systems.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 3274 was placed on final passage.

Mr. Hansen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3274, and the bill passed the House by the following vote: Yeas, 90; nays, 1; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines,

Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnie, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Perry, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Conner.

Not voting: Representatives Bausch, Pardini, Patterson, Peterson, Sawyer, Warnke.

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.

HOUSE BILL NO. 1626, by Representative Bagnariol:

Relating to appropriations.

The bill was read the second time.

On motion of Mr. Shinpoch, Substitute House Bill No. 1626 was substituted for House Bill No. 1626, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1626 was read the second time.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 23, 1976

HOUSE BILL NO. 1217, Prime Sponsor: Representative Randall, relating to revenue and taxation. Reported by Committee on Ways and Means.

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 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

Upon and after April 1, 1976, until and including June 30, 1979, 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 RCW 82.04.220 through 82.04.290 and as a temporary increase thereof, a surtax which shall be an additional tax in the amount of ten percent of the tax payable under this chapter.

Sec. 2. Section 82.44.020, chapter 15, Laws of 1961 as amended by section 2, chapter 199, Laws of 1963 and RCW 82.44.020 are each amended to read as follows:

An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under dealer's licenses. The annual amount of such excise shall be two and seventy-two one-hundredths percent of the fair market value of such vehicle: PROVIDED, That in no case shall the tax be less than two dollars: PROVIDED FURTHER, That notwithstanding the provisions of RCW 82.44.110 and 82.44.150, one hundred percent of the proceeds derived from that portion of the tax imposed by this section that exceeds a rate of two percent, shall be deposited in the general fund.

Sec. 3. 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)) twelve 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 any school district pursuant to RCW 84.52.052, as now or hereafter amended, and all of such tax levied by the state for the support of the common schools as authorized under RCW 84.48.080, 84.52.043 and 84.52.065, 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)) twelve 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 any school district pursuant to RCW 84.52.052, as now or hereafter amended, and by the state for the support of the common schools as authorized pursuant to RCW 84.48.080, 84.52.043 and 84.52.065, 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~~) twelve 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.

Sec. 4. 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 are each amended to read as follows:

On the first day of each month the county treasurer shall distribute pro rata, according to the rate of levy for each fund, the amount collected as consolidated tax during the preceding month, and shall certify the same to the county auditor: PROVIDED, HOWEVER, That the county treasurer, at his option, may distribute the total amount of such taxes collected according to the ratio that the levy of taxes made for each taxing district in the county bears to such total amount collected. On or before the tenth day of each month the county treasurer shall turn over to the respective city treasurers the cities' pro rata share of all taxes collected for the previous month and take receipts therefor in duplicate, and shall certify to the city comptroller or other accounting officer of each such city the amount of such taxes so collected and turned over, and shall deliver with such certificate one copy of the receipt of the city treasurer therefor. Notwithstanding any other provision of this section or other law, the entire amount of any tax levied by the state for the support of the common schools as authorized by RCW 84.48.080, 84.52.043 and 84.52.065, as now or hereafter amended, and the entire amount of any tax levied by any school district pursuant to RCW 84.52.052, as now or hereafter amended, and collected as provided in RCW 84.56.020, as now or hereafter amended, shall be distributed only to such respective school district or to the state general fund for appropriation for school purposes.

NEW SECTION. Sec. 5. 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 as follows:

(1) Section 1 shall take effect April 1, 1976;

(2) All other sections shall take effect January 1, 1977."

In line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending section 82.44.020, chapter 15, Laws of 1961 as amended by section 2, chapter 199, Laws of 1963 and RCW 82.44-.020; 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; 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 Representatives Bagnariol, Chairman; Shinpoch, Chairman - Appropriations; Randall, Chairman - Revenue; Bauer, Blair, Boldt, Brown, Ehlers, Erickson, Gaspard, Hawkins, Hurley (George), Kilbury, McKibbin, North, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle, Williams.

MOTIONS

On motion of Mr. Thompson, the rules were suspended, and House Bill No. 1217 was advanced to second reading and read the second time in full.

On motion of Mr. Thompson, further action on House Bill No. 1217 was deferred.

On motion of Mr. Thompson, the House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Thompson, the Ways and Means Committee was relieved of HOUSE BILL NO. 1267, HOUSE BILL NO. 1355, HOUSE BILL NO. 1435 and SENATE BILL NO. 3044, and the bills were ordered placed on the second reading calendar.

AMENDMENT TO HOUSE RULES

Having served notice previously, Ms. Sommers moved adoption of the following amendment to House Rule 26:

At the end of the rule add a new paragraph:

"PROVIDED, That any such bill, joint or concurrent resolution, which an actuary has determined would reduce costs, or which has no fiscal impact, shall be exempt from the provisions of this rule."

On motion of Mr. Kuehnle, the following amendment to the Sommers amendment was adopted:

On line 3 following "reduce costs" and before "or which" strike the comma

Mr. King moved adoption of the following amendment to the Sommers amendment:

On line 2 after "resolution" insert "or an amendment to such bill, joint or concurrent resolution"

Mr. King spoke in favor of the amendment to the amendment.

POINT OF INQUIRY

Mr. King yielded to question by Mr. Parker.

Mr. Parker: "The way I read this I think I agree with the sentiments you have on this, but I am wondering if a bill comes out of committee which reduces the state actuarial impact—in other words, if it lowers this obligation, and it would apply under the rule change as proposed, wouldn't your amendment, if we adopt it, only allow me, as a member, to introduce amendments that either further lowered that actuarial obligation or remain the same? In effect in committee action I could in no way seek to change the bill. Let's say a bill lowered our obligation by \$50 million; I couldn't amend that so it only lowered our obligation by \$25 million? What I'm saying is that I think as long as the amendment didn't affect our present obligations we ought to be able to amend the bill."

Mr. King: "I can see what you're driving at, and I really don't know how that would read. I think either way it would be a decision of the Speaker. That is a good point."

Mr. Parker spoke in favor of the amendment to the Sommers amendment to House Rule 26.

Mr. King withdrew the amendment to the amendment.

MOTIONS

On motion of Mr. Thompson, further consideration of the amendment to House Rule 26 was deferred.

On motion of Mr. Thompson, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1626:

The House resumed consideration of the bill on second reading.

Mr. Peterson moved adoption of the following amendment by Representatives Peterson and Douthwaite:

On page 3, strike all of lines 1 and 2.

Representatives Peterson, Eikenberry, Douthwaite and Curtis spoke in favor of the amendment, and Mr. Shinpoch spoke against it.

A division was requested.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Peterson and Douthwaite to Substitute House Bill No. 1626, and the amendment was adopted by the following vote: Yeas, 53; nays, 37; not voting, 7.

Voting yea: Representatives Amen, Barnes, Becker, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Gilleland, Greengo, Haley, Hanna, Hansey, Haussler, Hawkins, Hayner, Hendricks, Jastad, Kalich, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, Nelson, Newhouse, Osterman, Paris, Parker, Patterson, Peterson, Randall, Schumaker, Tilly, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Ceccarelli, Charnley, Conner, Ehlers, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hansen, Hurley G. S., Hurley M., Kilbury, King, Knowles, Martinis, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Perry, Seeberger, Shinpoch, Smith E. P., Thompson, Valle, Warnke, Wojahn.

Not voting: Representatives Jueling, Pardini, Polk, Sawyer, Sherman, Smith R., Sommers.

Mr. McKibbin moved adoption of the following amendment by Representatives McKibbin and Matthews:

On page 10, strike all material on lines 18 through 25 and renumber the remaining subsections consecutively.

Representatives McKibbin, Hurley (Margaret), Matthews and Shinpoch spoke in favor of the amendment, and Representatives Gaspard and Curtis spoke against it.

Representatives McKibbin and Matthews spoke again in favor of the amendment, and Representatives Gaspard and Curtis spoke again in opposition to it.

Mr. Charette demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives McKibbin and Matthews to Substitute House Bill No. 1626, and the amendment was not adopted by the following vote: Yeas, 42; nays, 47; not voting, 8.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Boldt, Bond, Chandler, Clemente, Cochrane, Deccio, Dunlap, Eikenberry, Freeman, Gilleland, Greengo, Hawkins, Hayner, Hurley M., Kuehnle, Laughlin, Lee, Lux, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, O'Brien, Osterman, Paris, Patterson, Peterson, Polk, Schumaker, Shinpoch, Smith E. P., Whiteside, Zimmerman.

Voting nay: Representatives Adams, Bausch, Blair, Ceccarelli, Charette, Charnley, Conner, Curtis, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Haley, Hanna, Hansen, Haussler, Hendricks, Hurley G. S., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Leckenby, Lysen, Martinis, McCormick, Newhouse, North, Parker, Perry, Randall, Seeberger, Sherman, Thompson, Tilly, Warnke, Williams, Wilson, Wojahn.

Not voting: Representatives Berentson, Brown, Hansey, Pardini, Sawyer, Smith R., Sommers, Valle.

The Clerk read the following amendment by Representatives McKibbin and Matthews:

On page 15, line 11 after "school" add the following language: "PROVIDED, That \$1,500,000 of the amount appropriated in this subsection, or so much thereof as may be necessary, shall be used to construct a demonstration state residential and training center project consisting of one training center and three 14-bed residential centers. The model SR/TC proposed by this subsection shall not be located on the campus of Rainier School. It is the intent of the legislature that this demonstration shall represent a maximum test of the administrative and programmatic assumptions of the SR/TC concept."

With the consent of the House, Mr. McKibbin withdrew the amendment.

On motion of Mr. Charette, the following amendment was adopted:

On page 2, line 32 strike all of section 3 and renumber the remaining sections consecutively.

The Clerk read the following amendment by Representative Moon:

On page 7, line 11 add a new section as follows:

"NEW SECTION. Sec. 11. For the Department of Ecology \$500,000

The appropriation contained within this section shall be expended exclusively for flood control, repair, and maintenance resulting from flood damages occurring between November 30 and December 8th, 1975."

Renumber the remaining sections consecutively.

POINT OF ORDER

Mr. Bagnariol: "I would like to raise a point of order, Mr. Speaker, in regard to the amendment being within the scope and object of the title. The title is appropriating a capital budget and I believe this would be an operating budget amendment."

Mr. Moon spoke to the point of order.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "It appears it might pertain to repairs and maintenance but still you've stated that it's to be used for flood control purposes, Representative Moon. When you put the amendment together, did you contemplate any amount for capital improvement?"

Mr. Moon: "Yes, the entire amount is for capital construction of the damage that was done."

The Speaker Pro Tem: "There's quite a difference between repairs and maintenance and capital improvements."

Mr. Moon: "Mr. Speaker, the entire amount will be used for capital construction of the damages that resulted from the recent floods and it will be matched by federal moneys in the amount of 85%. The total amount statewide is in excess of \$1 million and we are only asking for \$500,000 for the state share."

The Speaker Pro Tem: "We have a question about whether or not this is a capital improvement or whether it comes under the capital budget. Reed's Rule 161 states, 'An amendment may be inconsistent or incompatible with the words left in the bill, or with other amendments already adopted, but that is for the assembly to decide, and not for the presiding officer. For him to pass upon such a question would be very embarrassing to the assembly, and still more so to him. So also, the question of constitutionality is not for him to decide. Incompatibility, inconsistency, and unconstitutionality are matters of argument.' I'm going to leave this up to the body to decide whether or not it belongs in the bill."

Mr. Moon spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Moon yielded to question by Mr. Newhouse.

Mr. Newhouse: "I'm a little hazy about how much money is involved. You say 85% federal; would that be that much more than the \$500,000? Is the \$500,000 state money, and if so, from what fund does it come? This is a new section and it does not designate the fund it would come from."

Mr. Moon: "This would come from the Department of Ecology, the Department of Emergency Services and the total amount, including the federal money would be in excess of \$8 million statewide and the state share would be \$500,000."

Mr. Newhouse: "You mentioned two departments and no fund. You say the Department of Emergency Services and the Department of Ecology, each of which has an appropriation. I don't know if they have for capital purposes, but are you just taking it out of their fund?"

Mr. Moon: "I am adding it to the Department of Ecology and then they will designate it to the Department of Emergency Services."

Mr. Newhouse: "May I point out to you that you have not added it; it does not say to the Department of Ecology and it does not say from where."

Mr. Moon: "Yes, it does say for the Department of Ecology."

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Curtis.

Mr. Curtis: "Can you tell us which fund it comes from?"

Mr. Bagnariol: "If I understand it correctly, the way the amendment is written, it doesn't mention any fund and therefore if the amendment were to stay in this capital budget, very likely the money would not be able to be expended and so therefore Representative Moon would not accomplish what he is trying to accomplish. I suggest that those interested in this amendment make an effort to have this amendment placed in the operating budget over in the Senate because if you put it in the capital budget and the Senate leaves it there and does not put it in the operating budget, we will accomplish nothing, in my opinion."

Mrs. North spoke in favor of the amendment.

The amendment was not adopted.

MOTION FOR RECONSIDERATION

Mr. Barnes, having voted on the prevailing side, moved that the House reconsider the vote by which the amendment by Representative Charette to Substitute House Bill No. 1626 was adopted.

Representatives Barnes, Eikenberry and Charnley spoke in favor of the motion, and Mr. Hurley (George) spoke against it.

POINT OF INQUIRY

Mr. Eikenberry yielded to question by Mr. Patterson.

Mr. Patterson: "I would like to hear some arguments as to why these facilities should be located in Seattle. Isn't there some other place more centrally located, possibly Yakima or what have you? I would like to know the rationale of why the Court of Appeals is held in Seattle."

Mr. Eikenberry: "You have your own court in your district over on the east side and on the west side we have another district for the appellate court to cover. The reason for picking Seattle is that it is located in the center of this district."

Mr. Patterson: "That district encompasses what? The west side of the state totally?"

Mr. Eikenberry: "I believe it's King County, north to the border."

Mr. Charette spoke against the motion to reconsider the amendment.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which the amendment by Representative Charette to Substitute House Bill No. 1626 was adopted, and the motion was lost by the following vote: Yeas, 37; nays, 50; not voting, 10.

Voting yea: Representatives Barnes, Bender, Bond, Ceccarelli, Charnley, Clemente, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Fischer, Freeman, Gilleland, Greengo, Haley, Hanna, Hansen, Hendricks, Kilbury, King, Kuehnle, Laughlin, Lux, Lysen, Matthews, Moon, Nelson, North, O'Brien, Perry, Polk, Sherman, Sommers, Tilly, Valle, Whiteside.

Voting nay: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Blair, Boldt, Chandler, Charette, Cochrane, Conner, Curtis, Deccio, Erickson, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Hansey, Hausler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Kalich, Leckenby, Lee, Martinis, Maxie, May, McCormick, McKibbin, Moreau, Newhouse, Osterman, Paris, Parker, Patterson, Randall, Schumaker, Seeberger, Shipoch, Smith E. P., Thompson, Warnke, Wojahn, Zimmerman.

Not voting: Representatives Berentson, Brown, Juelling, Knowles, Pardini, Peterson, Sawyer, Smith R., Williams, Wilson.

Mr. Polk moved adoption of the following amendment:

On page 5, after line 22 insert the following new section:

"NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF FISHERIES

Section 9, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

	Reappro- riations	From the Fund Designated	<u>From the General Fund</u>
(1) Safety installations to meet WISHA requirements ((General Fund—State)) Fisheries Capital Projects Account		270,350	
(2) Improved domestic water supplies— (Neham)) <u>Nemah</u> and Willapa hatcheries ((General Fund—State)) Fisheries Capital Projects Account		21,000	
(3) Pollution abatement facilities for state hatcheries ((General Fund—State)) Fisheries Capital Projects Account		600,000	
(4) Pollution abatement facilities for federal hatcheries General Fund—Federal		((550,000))	<u>550,000</u>
(5) Humptulips hatchery General Fund—State	75,000	((1,883,800))	
General Fund—Federal	75,000	((476,950))	<u>470,950</u>
<u>Fisheries Capital Projects Account</u>		1,883,800	
<hr/>			
(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— ((Soladuck)) <u>Green River Hatchery</u> (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))	<u>715,000</u>	
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))	350,000	
((General Fund—Federal		87,500))	
(b) Green River hatchery			
((General Fund—State)) Fisheries Capital Projects Account	((50,000))	32,500	
General Fund—Federal			<u>32,500</u>
(c) Icy Creek			
((General Fund—State)) Fisheries Capital Projects Account		137,500	
General Fund—Federal	((137,500))		<u>137,500</u>
(d) ((Samish)) Nooksack hatchery			
((General Fund—State)) Fisheries Capital Projects Account		90,000	
General Fund—Federal			<u>90,000</u>
(e) ((Soleduck hatchery)) Bear Springs Ponds			
((General Fund—State)) Fisheries Capital Projects Account	((650,000))	87,500	
General Fund—Federal			<u>87,500</u>
(f) Skykomish hatchery			
((General Fund—State)) Fisheries Capital Projects Account	((35,000))	22,500	
General Fund—Federal			<u>22,500</u>
(g) McAllister Springs			
Fisheries Capital Projects Account		100,000	
(h) Johns Creek			
Fisheries Capital Projects Account		200,000	
General Fund—Federal			<u>200,000</u>
(13) Clam Pond—Point Whitney			

((General Fund—State)) Fish- eries Capital Projects Account	30,000	
(14) Green River hatchery—water system improvement		
((General Fund—State)) Fish- eries Capital Projects Account	120,000	
(15) Facilities improvement project		
((General Fund—State)) Fish- eries Capital Projects Account	289,750	
(16) Lewis River hatchery— residence		
((General Fund—State)) Fish- eries Capital Projects Account	30,000	
(17) Toutle hatchery water supply improvement, release ponds, and freezer replacement		
General Fund—Federal	((1,075,000))	1,075,000
(18) Klickitat hatchery—rebuild rearing ponds		
General Fund—Federal	((75,000))	75,000
(19) Elokomin hatchery release pond		
General Fund—Federal	((275,000))	275,000"

Mr. Polk spoke in favor of the amendment, and Mr. Martinis spoke against it.

Mr. Polk spoke again in favor of the amendment.

The amendment was not adopted.

The Clerk read the following amendment by Representative Haley:

On page 14, beginning with line 32 strike everything through line 3 on page 15, and renumber the remaining subsections consecutively.

With the consent of the House Mr. Haley withdrew the amendment.

House Bill No. 1626 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1626 was placed on final passage.

Mr. Shinpoch spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Patterson.

Mr. Patterson: "Apparently the original request under Eastern Washington State College for a capital project was to construct and equip the fieldhouse portion of physical education complex and the new language is to purchase and install radio—television equipment out of the higher education construction account. I'm just wondering what the rationale is for changing from project to project?"

Mr. Shinpoch: "We took a trip in December, some of us, and one of the places that we looked at was Eastern. Last year when we passed the working drawing for the fieldhouse we were told that the fieldhouse had been condemned, that it couldn't be used and therefore had to be replaced. That statement was only correct if you added to that, 'for a large gathering.' We had just got through building a \$5 to 6 million athletic facility across the road from where the fieldhouse is. There are no more large gatherings in the fieldhouse; it's used as a place to get in out of the rain, or in Eastern Washington, the snow, as the case may be. It has dirt on one end—that's where they play baseball and that's as it should be, in my judgment. There should be dirt on one end—the other end has a pool and as we were told when we were there it's not quite regulation size, it's an inch and a half shorter on each end than 25 meters, but it's still a pretty good pool. In between those two things there are two gyms and those two gyms are nice facilities, and it serves the purpose well. There are going to have to be some renovations; they have some windows knocked out and one corner is beginning to sink and is probably going to have to have some foundation under it, but for its purpose I think it's going to do very well. However, we also looked at what probably was one of the best television and radio and recording studios around, but they didn't have sufficient equipment and it was our judgment, and I think it was reasonably well the consensus of the people that were there, that

we should buy the equipment to go into that facility. They have an excellent group of people running that facility and they have an excellent program. We proposed to do that and on the other hand, we did not think we should tear down the building that was already there that was serving a function and serving that function for which it was designed and doing it well. They have the facilities for any large gathering across the street in a brand-new facility, so the judgment was that was the decision we should make."

Mr. Patterson: "In other words, this was agreed upon by the institution with the Legislative Budget Committee, that this shift should be made? Was this their request that you make the shift or was this the decision of the committee when they visited there?"

Mr. Shinpoch: "Well, it was the recommendation of our staff and the recommendation of myself that we should make that shift and that's what came out through the Ways and Means Committee and has gone through second reading in the House and I hope that probably we are going to pass it in a short time."

Mr. Patterson: "Was that the position of the college there? Is it what they wanted the money for?"

Mr. Shinpoch: "No, I've never seen an institution that didn't want more money to spend for more things. They wanted the television equipment, but no, they wanted a new fieldhouse to get in out of the rain."

Mr. Patterson: "Before they got the television equipment"

Mr. Shinpoch: "I don't think they ever made that statement."

Mr. Patterson: "Have they agreed as part of their capital request that there be \$1.5 million put into the television and radio equipment? Is that what their request was?"

Mr. Shinpoch: "They have made that request, they did not make the other request to cancel the tearing down and replacement of the fieldhouse."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1626, and the bill passed the House by the following vote: Yeas, 65; nays, 24; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Hanna, Hansey, Hendricks, Hurley G. S., Hurley M., Kilbury, King, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Blair, Bond, Chandler, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansen, Hawkins, Hayner, Jastad, Kalich, Martinis, Matthews, Newhouse, Polk, Schumaker, Tilly, Wojahn.

Not voting: Representatives Berentson, Brown, Haussler, Juelling, Knowles, Pardini, Sawyer, Smith R.

Engrossed House Bill No. 1626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1403, by Representatives Adams and Pardini (by Office of Program Planning and Fiscal Management request):

Authorizing state general obligation bonds for DSHS facilities.

The bill was read the second time.

On motion of Mr. Shinpoch, the following amendments were adopted:

On page 1, line 22 after "of" strike "twenty-three million six hundred twenty thousand" and insert "fifty-eight million nine hundred thousand"

On page 1, line 24 after "facilities" strike all language down to and including "Washington" on line 29 and insert "No bonds authorized by this act shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington."

On page 2, line 13 after "in" insert "veterans' service programs"

House Bill No. 1403 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1403 was placed on final passage.

Mr. Shinpoch spoke in favor of passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Mr. Eikenberry: "Do these bills require a sixty percent vote under our rules?"

The Speaker Pro Tem: "Yes, they do."

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1403, and the bill passed the House by the following vote: Yeas, 68; nays, 18; not voting, 11.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Greengo, Haley, Hanna, Hansey, Hawkins, Hendricks, Hurley G. S., Hurley M., Kilbury, King, Laughlin, Lee, Lux, Lyсен, Martinis, Maxie, May, McCormick, Moon, Moreau, Nelson, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Blair, Bond, Chandler, Deccio, Dunlap, Flanagan, Freeman, Gallagher, Gilleland, Hansen, Hayner, Jastad, Kalich, Kuehnle, Matthews, Newhouse, Schumaker.

Not voting: Representatives Berentson, Brown, Haussler, Jueling, Knowles, Leckenby, McKibbin, Pardini, Sawyer, Smith R., Tilly.

Engrossed House Bill No. 1403, 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.

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.

The bill was read the second time.

On motion of Mr. Shinpoch, the following amendments were adopted:

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

"Section 1. Section 1, chapter 237, Laws of 1975 1st ex. sess. and RCW 28B.14.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the institutions of higher education, 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 ((twelve)) fourteen million ((four)) eight hundred eighty thousand ((one-hundred)) dollars, or so much thereof as shall be required to finance the capital projects relating to institutions of higher education as determined by the legislature in its capital appropriations (act, chapter 276, Laws of 1975 1st ex. sess.) acts from time to time, for such purposes, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1, of the Constitution of the state of Washington. It is the intent of the legislature that in any decision to contract for capital projects funded as the result of this chapter, full and fair consideration shall be given to minority contractors.

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."

On page 1, line 1 of the title after "education;" strike the remainder of the title and insert "providing for the acquisition, construction, remodeling, furnishing and equipping of certain state buildings and facilities for said institutions of higher education and the financing thereof by the issuance of bonds, including bond anticipation notes; amending section 1, chapter 237, Laws of 1975 1st ex. sess. and RCW 28B.14.010; and declaring an emergency."

House Bill No. 1440 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1440 was placed on final passage.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Ms. Maxie.

Ms. Maxie: "Earlier in this session you and I had a meeting with respect to the appropriation process for capital constructions and at that time we talked about schematic plans, working drawings and the process by which this probably could be changed. My question to

you is, does this bill contain the language to change the capital appropriation process from that of appropriating working drawings money to only appropriating design development money for this process?"

Mr. Shipoch: "This bill does not contain that language. I cannot speak with certainty. Where we intended to have it was in House Bill No. 1626 and it would be in the first section of that bill. It is our intent, whether we have done it or not, to work with OPP&FM. We are in a three-phase process and we needed to change to a two-phase process to go to a design development and then final process. That's what design development has done; it is the proper time to make the estimate of the construction cost and that is the proper time. I think everyone is in agreement—the Council on Postsecondary Education, OPP&FM, the people who have to use the system, and the legislature—are basically in agreement that the system needs to be changed and I'm sure that will occur. This is probably not the proper vehicle; House Bill No. 1626 would have been the proper vehicle. I hope we got it in, but I just can't speak with certainty on it."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1440, and the bill passed the House by the following vote: Yeas, 79; nays, 8; not voting, 10.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansey, Hawkins, Hendricks, Hurley G. S., Hurley M., Kilbury, King, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bond, Deccio, Dunlap, Gallagher, Hansen, Hayner, Jastad, Kalich.

Not voting: Representatives Berentson, Brown, Haussler, Jueling, Knowles, Leckenby, McKibbin, Pardini, Sawyer, Smith R.

Engrossed House Bill No. 1440, 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.

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.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third; and House Bill No. 1441 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1441, and the bill passed the House by the following vote: Yeas, 83; nays, 3; not voting, 11.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Bond, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hawkins, Hendricks, Hurley G. S., Hurley M., Kilbury, King, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Gallagher, Jastad, Kalich.

Not voting: Representatives Berentson, Brown, Haussler, Hayner, Jueling, Knowles, McKibbin, Pardini, Peterson, Sawyer, Smith R.

House Bill No. 1441, 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.

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.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1507, by Representative Ehlers (by Office of Program Planning and Fiscal Management request):

Authorizing bond issue to finance office building for court of appeals.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1527, by Representatives Shinpoch, Bagnariol, Eikenberry, Polk and Sommers:

Authorizing general obligation bonds for the people's lodge at Discovery Park.

The bill was read the second time.

On motion of Mr. Shinpoch, the following amendments were adopted:

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

"NEW SECTION. Section 1. For the purpose of providing a matching grant for the 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, Seattle, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars or so much thereof as shall be required to finance that portion of the grant by the state for said project as is set forth by appropriation from the Indian cultural center construction account in the general fund by chapter —, Laws of 1975-76 2nd ex. sess. (SHB 1626) the supplemental appropriation act, for such purposes, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

The state finance committee is authorized to prescribe the form of such bonds, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

NEW SECTION. Sec. 2. At the time the state finance committee determines to issue such bonds authorized in section 1 of this 1976 act or a portion thereof, it may issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". The proceeds from the sale of bonds and notes authorized by this 1976 act shall be deposited in the Indian cultural center construction account of the general fund hereby created in the state treasury and shall be used exclusively for the purposes specified in this 1976 act and for the payment of expenses incurred in the issuance and sale of such bonds and notes: PROVIDED, Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the bond redemption fund created in section 4 of this 1976 act.

NEW SECTION. Sec. 3. The principal proceeds from the sale of the bonds authorized in this 1976 act and deposited in the Indian cultural center construction account in the general fund shall be administered by the executive director of the arts commission.

NEW SECTION. Sec. 4. The Indian cultural center construction bond redemption fund of 1976 is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds and notes authorized by this 1976 act.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the Indian cultural center construction bond redemption fund of 1976 from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 5. The bonds authorized by this 1976 act shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 6. 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. 7. 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 1 of the title after "culture;" strike the remainder of the title and insert "providing

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1527 was placed on final passage.

Ms. Sommers spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Patterson.

Mr. Patterson: "Did we have a million dollars in the appropriation bill to cover this item?"

Mr. Shinpoch: "Yes, there is a million dollars in the operating budget, House Bill No. 1626, for this item."

Mr. Patterson: "Is that for the operation of it or for construction of it?"

Mr. Shinpoch: "I'm not sure that I can fully answer your question. Again it was the place in which the executive branch asked us to place the money; it was not a legislative decision that placed it in the operating budget. We followed the request of the executive branch."

Mr. Patterson: "What's the status then if, when the Senate get through with the budget bill, that's taken out? What's the status of this legislation? Does this authorize the construction of it even though the budget as it clears the Senate has that million dollars out?"

Mr. Shinpoch: "I'm sure that you're aware that the Constitution says you can't spend any money unless it has been appropriated. Just because we have approved a bond, the Finance Committee would never sell those bonds unless there was an appropriation to expend the funds."

Mr. Eikenberry spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1527, and the bill passed the House by the following vote: Yeas, 66; nays, 19; not voting, 12.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Gilleland, Greengo, Hanna, Hansey, Hawkins, Hendricks, Hurley G. S., Hurley M., Kilbury, King, Laughlin, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, Moon, Moreau, Nelson, North, O'Brien, Osterman, Parker, Perry, Peterson, Polk, Randall, Seerberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Barnes, Bond, Deccio, Dunlap, Flanagan, Freeman, Gallagher, Haley, Hansen, Hayner, Jastad, Kalich, Kuehnle, Matthews, Paris, Patterson, Schumaker, Whiteside.

Not voting: Representatives Berentson, Brown, Haussler, Juelling, Knowles, Leckenby, McKibbin, Newhouse, Pardini, Sawyer, Smith R., Tilly.

Engrossed House Bill No. 1527, 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 Mr. Thompson, the House adjourned until 10:00 a.m., Tuesday, February 24, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FIFTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, February 24, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Martinis, Sawyer and Smith (Rick). Representative Sawyer was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Diana Jensen and Keith Duncan. Prayer was offered by Father William L. Treacy of St. Michael's Catholic Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

February 23, 1976

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 3158,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

February 23, 1976

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 3091,

ENGROSSED SENATE BILL NO. 3149,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SUBSTITUTE HOUSE BILL NO. 769.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3091, by Senator Goltz (by the Superintendent of Public Instruction request):

Implementing law relating to certification of personnel employed in the common schools.

To Committee on Education

ENGROSSED SENATE BILL NO. 3149, by Senator Walgren:

Increasing funding of the state toxicological laboratory and directing a percentage increase for such funding each biennium.

To Committee on Ways and Means - Appropriations

SUBSTITUTE SENATE BILL NO. 3158, by Committee on Transportation and Utilities (Originally sponsored by Senator Henry):

Making an appropriation to the Washington wing civil air patrol.

To Committee on Transportation and Utilities

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Thompson, the House recessed until 1:00 p.m.

 AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Kalich, Sawyer and Smith (Rick). Representative Sawyer was excused.

MESSAGES FROM THE SENATE

February 24, 1976

Mr. Speaker:

The President 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.

Sidney R. Snyder, Secretary.

February 24, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 769,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

February 24, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 3116 and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

Mr. Thompson demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Kalich, Sawyer and Smith (Rick).

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

SECOND READING

Mr. Thompson moved that HOUSE BILL NO. 1217 be placed on the calendar for immediate consideration.

Mr. Nelson moved that the Thompson motion be amended and that SENATE JOINT RESOLUTION NO. 137 be placed on the calendar ahead of House Bill No. 1217.

Representatives Nelson, Hayner and Newhouse spoke in favor of the Nelson motion, and Representatives Bagnariol and Thompson spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion by Mr. Nelson to place Senate Joint Resolution No. 137 on the calendar for immediate consideration, and the motion was lost by the following vote: Yeas, 39; nays, 55; not voting, 3.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Juelling, Kuehnle, Leckenby, Lee, Matthews, McCormick, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Parker, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Kalich, Sawyer, Smith R.

The motion by Mr. Thompson was carried.

HOUSE BILL NO. 1217, by Representative Randall:

Relating to revenue and taxation.

The bill was read the second time.

Committee on Ways and Means recommendation: Majority, do pass as amended. (For amendments, see Journal, Fiftieth Day, 2nd ex. sess., February 23, 1976.)

Mr. Bagnariol moved adoption of the committee amendment to the body of the bill.

MOTION

Mr. Bond moved that further action on House Bill No. 1217 be deferred and the bill hold its place on the second reading for tomorrow.

Representatives Bond, Dunlap and Berentson spoke in favor of the motion, and Representatives Thompson and Bagnariol spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Mr. Bond spoke again in favor of the motion, and Mr. Bauer spoke against it.

ROLL CALL

The Clerk called the roll on the motion to defer consideration of House Bill No. 1217 until tomorrow, and the motion was lost by the following vote: Yeas, 35; nays, 59; not voting, 3.

Voting yea: Representatives Amen, Barnes, Berentson, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Juelling, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Parker, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Kalich, Sawyer, Smith R.

MOTION

On motion of Mr. Thompson, Representative Tilly was excused from the Call of the House.

Representative Kalich appeared at the bar of the House.

Mr. Flanagan moved adoption of the following amendment by Representatives Flanagan and Newhouse to the committee amendment:

On page 1, line 34 insert a new section as follows:

"Sec. 3. Section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.150 are each amended to read as follows:

(1) The director of motor vehicles shall on the twenty-fifth day of February, May, August and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of motor vehicles during the preceding calendar quarter ending on the last day of March, June, September and December, respectively, except for those payable under RCW 82.44.030 and 82.44.070, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.030 and 82.44.070, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of program planning and fiscal management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of motor vehicles shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund. A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to seventy percent of all motor vehicle excise tax receipts shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) The amount required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds authorized by chapter 26, Laws of 1963 extraordinary session in the ensuing twelve months and any additional amounts required by the covenants of such bonds shall be transferred from the state school equalization fund to the 1963 public school building bond retirement fund.

(b) Any remaining amounts in the state school equalization fund from the motor vehicle excise taxes not required for debt service on the above bond issues shall be transferred and credited to the general fund.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state ratably, on the basis of the population as last determined by the board.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) The amount required to remit to a municipality the proceeds of the tax authorized under RCW 35.58.273 shall be remitted to the municipality levying such tax. The amount required to be remitted by the state treasurer to the treasurer of any municipality levying such tax shall not exceed in any one calendar year the amount of locally generated tax revenues other than the excise tax imposed under RCW 35.58.273, which shall have been budgeted by such municipality to be collected in such year for any public transportation purposes including but not limited to operating costs, capital costs and debt service on general obligation or revenue bonds issued for such purposes.

~~(This section shall expire on June 30, 1981.)~~

(6) The total amount remitted by the state treasurer in any biennium under subsection (5) of this section shall not exceed twenty-one percent of that portion of the proceeds from the excise tax imposed by RCW 82.44.020 as now or hereafter amended that is derived from a tax rate of two percent of the fair market value of motor vehicles."

Renumber the remaining sections consecutively and correct the internal references accordingly.

Representatives Flanagan and Newhouse spoke in favor of the amendment, and Representatives Perry and Bagnariol spoke against it.

Mr. Bender demanded an electric roll call and the demand was sustained.

Representatives Flanagan and Newhouse spoke again in favor of the amendment to the committee amendment, and Representatives Leckenby, Eikenberry and Haussler spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Flanagan and Newhouse to the committee amendment, and the amendment was not adopted by the following vote: Yeas, 16; nays, 78; not voting, 3.

Voting yea: Representatives Amen, Bond, Curtis, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Hayner, Kuehnle, Newhouse, Patterson, Polk, Schumaker, Shinpoch, Whiteside.

Voting nay: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurlley G. S., Hurlley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Pardini, Paris, Parker, Perry, Peterson, Randall, Seeberger, Sherman, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Sawyer, Smith R., Tilly.

Mr. Freeman moved adoption of the following amendment to the committee amendment:

On page 1, line 5 strike all of section 1 and renumber the remaining sections consecutively.

Mr. Freeman spoke in favor of the amendment, and Mr. Bagnariol spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Representatives Whiteside and Polk spoke in favor of the amendment, and Representatives Moon and Randall spoke against it.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Pardini.

Mr. Pardini: "Representative Randall, I am reading the committee amendment, and can you tell me where the four dollar per thousand limitation is in this bill? I can't seem to find it and you mentioned it."

Mr. Randall: "The four dollar per thousand limitation is not in this bill. That's the direction we are trying to drive toward."

Mr. Pardini: "But it is not in this bill?"

Mr. Randall: "No."

Representatives Bond, Curtis and Martinis spoke in favor of the amendment.

Mr. Charette demanded the previous question and it was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Freeman to the committee amendment to House Bill No. 1217, and the amendment was not adopted by the following vote: Yeas, 42; nays, 52; not voting, 3.

Voting yea: Representatives Amen, Berentson, Boldt, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Gaines, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kuehnl, Leckenby, Martinis, Mathews, McCormick, Moreau, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Seeberger, Whiteside, Wilson.

Voting nay: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fischer, Fortson, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Maxie, May, McKibbin, Moon, North, O'Brien, Osterman, Perry, Randall, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, Zimmerman.

Not voting: Representatives Sawyer, Smith R., Tilly.

Mr. Newhouse moved adoption of the following amendment to the committee amendment:

Beginning on page 1, strike all of sections 3 and 4 and renumber the remaining sections consecutively.

Representatives Newhouse, Amen, Polk, Lee and Curtis spoke in favor of the amendment, and Representatives Bagnariol and Douthwaite spoke against it.

Mr. Charette demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Newhouse to the committee amendment to House Bill No. 1217, and the amendment was not adopted by the following vote: Yeas, 47; nays, 47; not voting, 3.

Voting yea: Representatives Amen, Barnes, Becker, Berentson, Blair, Bond, Brown, Chandler, Charette, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kuehnl, Leckenby, Lee, Martinis, Mathews, McCormick, Moon, Moreau, Nelson, Newhouse, North, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Whiteside, Wilson, Wojahn.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Boldt, Ceccarelli, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McKibbin, O'Brien, Osterman, Pardini, Perry, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Zimmerman.

Not voting: Representatives Sawyer, Smith R., Tilly.

MOTION FOR RECONSIDERATION

Mr. Pardini, having voted on the prevailing side, moved that the House now reconsider the vote by which the Newhouse amendment was not adopted.

A division was requested.

ROLL CALL

The Clerk called the roll on the motion for reconsideration of the vote by which the Newhouse amendment to the committee amendment was not adopted, and the motion carried by the following vote: Yeas, 48; nays, 46; not voting, 3.

Voting yea: Representatives Amen, Barnes, Becker, Berentson, Blair, Bond, Brown, Chandler, Charette, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kuehnle, Leckenby, Lee, Matthews, McCormick, Moreau, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Sommers, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Boldt, Ceccarelli, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, O'Brien, Osterman, Perry, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Thompson, Valle, Williams.

Not voting: Representatives Sawyer, Smith R., Tilly.

The Speaker Pro Tem stated the question before the House to be reconsideration of the amendment by Representative Newhouse to the committee amendment.

Mr. Bender demanded an oral roll call and the demand was sustained.

Mr. Smith (Rick) appeared at the bar of the House.

Representatives Kuehnle, Peterson, Greengo, Pardini and Freeman spoke in favor of the amendment, and Mr. Bagnariol spoke against it.

ROLL CALL

The Clerk called the roll on reconsideration of the Newhouse amendment striking sections 3 and 4 of the committee amendment to House Bill No. 1217, and the amendment was adopted by the following vote: Yeas, 53; nays, 42; not voting, 2.

Voting yea: Representatives Amen, Barnes, Becker, Berentson, Blair, Bond, Chandler, Charette, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Kuehnle, Leckenby, Lee, Martinis, Matthews, McCormick, Moon, Moreau, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Smith R., Sommers, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Boldt, Brown, Ceccarelli, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McKibbin, O'Brien, Osterman, Perry, Seeberger, Sherman, Shipoch, Smith E. P., Thompson, Valle, Warnke, Williams.

Not voting: Representatives Sawyer, Tilly.

MOTIONS

On motion of Mr. Thompson, further consideration of House Bill No. 1217 was deferred, and the bill was ordered placed on the second reading calendar for tomorrow.

Mr. Thompson moved that the House immediately consider Senate Joint Resolution No. 137.

Representatives Thompson and Nelson spoke in favor of the motion, and it was carried.

SENATE JOINT RESOLUTION NO. 137, by Select Committee on Education (Entered 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.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Joint Resolution No. 137 was placed on final passage.

Mr. Polk spoke in favor of passage of the resolution.

POINT OF INQUIRY

Mr. Polk yielded to question by Mr. Flanagan.

Mr. Flanagan: "The way I read this joint resolution, it allows or permits a school district to run a special levy for two years, but I don't see anything in here to prevent a school district from running a special levy every year if they want to supplement the two-year levy of next year. I guess they can run it the next year, too, can't they?"

Mr. Polk: "Yes, Representative Flanagan, this is entirely a permissive thing to allow the district to take their choice as to what they think will be best in their situation."

Representatives Dunlap, Fortson and Nelson spoke in favor of the resolution, and Representatives Charette, Valle, Hurley (George) and Brown spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 137, and the resolution passed the House by the following vote: Yeas, 72; nays, 23; not voting, 2.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Conner, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Fischer, Fortson, Freeman, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hawkins, Hayner, Hendricks, Hurley M., Jueling, Kilbury, King, Knowles, Kuehne, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, McCormick, Moon, Moreau, Nelson, North, O'Brien, Osterman, Paris, Patterson, Perry, Peterson, Polk, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Boldt, Charette, Cochrane, Ehlers, Erickson, Flanagan, Gaines, Gallagher, Haussler, Hurley G. S., Jastad, Kalich, Leckenby, May, McKibbin, Newhouse, Pardini, Parker, Schumaker, Thompson, Valle, Warnke, Williams.

Not voting: Representatives Sawyer, Tilly.

Senate Joint Resolution No. 137, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that we was signing:

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.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Wednesday, February 25, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FIFTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, February 25, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kim Beck and Mike Kubitis. Prayer was offered by Father William L. Treacy of St. Michael's Catholic Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

February 24, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 840,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

February 24, 1976

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 3267,

SUBSTITUTE SENATE BILL NO. 3268,

SENATE CONCURRENT RESOLUTION NO. 127,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

SENATE AMENDMENTS TO HOUSE BILL

February 23, 1976

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 771 with the following amendments:

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;"

On page 3, after section 2 add a new section 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 the remaining section.
and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Warnke moved that the House do concur in the Senate amendments to Substitute House Bill No. 771.

Representatives Warnke and Newhouse spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Substitute House Bill No. 771 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 771 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; nays, 5; not voting, 10.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dundlap, Ehlers, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Patterson, Peterson, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn.

Voting nay: Representatives Eikenberry, Hayner, Moon, Paris, Zimmerman.

Not voting: Representatives Ceccarelli, Eng, Hanna, Jueling, Kuehnle, Lee, Lysen, Perry, Polk, Tilly.

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.

INTRODUCTION AND FIRST READING

SUBSTITUTE SENATE BILL NO. 3267, by Committee on Higher Education (Originally sponsored by Senators Sandison, Newschwander, Stortini, Odegaard, Benitz, Donohue and Guess):

Implementing 1975 vocational education act.

To Committee on Higher Education

SUBSTITUTE SENATE BILL NO. 3268, by Committee on Ways and Means (Originally sponsored by Senator Mardesich):

Relating to bookkeeping transactions within the state general fund.

To Committee on Ways and Means - Revenue

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.

To Committee on Ways and Means - Appropriations

REPORTS OF STANDING COMMITTEES

February 24, 1976

SUBSTITUTE SENATE BILL NO. 2038, Prime Sponsor: Senator Rasmussen, regulating environmentally hazardous wastes. Reported by Committee on Ecology.

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 20 after "ecology" strike "with" and insert "within"

On page 6, following line 15 insert a new section as follows:

"NEW SECTION. Sec. 11. 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 thirty-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 consecutively.

On page 1, line 2 of the title after "crimes;" strike "and" and after "penalties" insert "; and making an appropriation"

Signed by Representatives Valle, Chairwoman; Chandler, Charnley, Douthwaite, Gallagher, Hansen, Lux, Zimmerman.

To Committee on Rules for second reading.

February 24, 1976

ENGROSSED SENATE BILL NO. 3129, Prime Sponsor: Senator Bottiger, 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 Representatives Perry, Chairman; Barnes, Bender, Berentson, Chandler, Charnley, Clemente, Douthwaite, Dunlap, Gaines, Gallagher, Gilleland, Hansen, Hayner, Laughlin, Leckenby, Lee, McCormick, Patterson, Schumaker, Seeberger, Sherman, Wilson.

To Committee on Rules for second reading.

February 24, 1976

SUBSTITUTE SENATE BILL NO. 3158, Prime Sponsor: Senator Henry, Making an appropriation to the Washington wing civil air patrol. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Perry, Chairman; Barnes, Bender, Berentson, Bond, Chandler, Charnley, Clemente, Dunlap, Gaines, Gallagher, Gilleland, Hansen, Hayner, Laughlin, Leckenby, Lee, McCormick, Patterson, Schumaker, Seeberger, Sherman, Wilson.

To Committee on Rules for second reading.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "Mr. Speaker, are we on the fifth order of business?"

The Speaker Pro Tem: "Yes."

Mr. Pardini: "I'm wondering then why Engrossed House Bill No. 950 which was passed out of the Ways and Means Committee last night is not on this agenda?"

The Speaker Pro Tem: "The Chief Clerk hasn't received it."

MOTION

Mr. Pardini moved that the Committee on Ways and Means be instructed to inform the House immediately as to the status of Engrossed House Bill No. 950.

Mr. Bagnariol: "Engrossed House Bill No. 950 does have enough signatures and it is en route from the committee room to the House right now."

Mr. Pardini withdrew the motion.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

REPORT OF STANDING COMMITTEE

February 24, 1976

ENGROSSED HOUSE BILL NO. 950, Prime Sponsor: Representative Adams, relating to health, welfare and safety. Reported by Committee on Ways and Means.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 25 after "provide" strike "a report" and insert a comma

On page 1, lines 26 and 27 after "committees" strike "which review" and insert "of the house and senate, a report which reviews"

On page 2, line 3 after "sum of" strike "fifteen million dollars including eight million fifty-five thousand dollars" and insert "seven million five hundred thousand dollars including four million twenty-seven thousand five hundred dollars"

Signed by Representatives Randall, Chairman - Revenue; Amen, Bausch, Blair, Boldt, Curtis, Eikenberry, Erickson, Flanagan, Freeman, Gaspard, Hansey, Hurley (George), Hurley (Margaret), Kuehnl, May, Matthews, Newhouse, North, Pardini, Polk, Smith (Edward), Warnke.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representative Matthews, who was excused.

MESSAGE FROM THE SENATE

February 25, 1976

Mr. Speaker:

The President has signed:

SENATE BILL NO. 3116,

SENATE JOINT RESOLUTION NO. 137,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SENATE BILL NO. 3116,

SENATE JOINT RESOLUTION NO. 137.

MOTIONS

On motion of Mr. Thompson, HOUSE BILL NO. 1217 was made a special order of business for 3:00 p.m.

On motion of Mr. Thompson, HOUSE JOINT RESOLUTION NO. 76 was rereferred to Committee on Ways and Means - Appropriations.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SECOND READING

Mr. Thompson demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representative Matthews.

MOTIONS

On motion of Mr. Thompson, the absent member was excused, and the House proceeded with business under the Call of the House.

Mr. Thompson moved that the Ways and Means Committee – Revenue be relieved of SUBSTITUTE SENATE BILL NO. 3268, and that the bill be placed on the second reading calendar.

Representatives Shinpoch and Newhouse spoke in favor of the motion, and it was carried.

Mr. Thompson moved that Substitute Senate Bill No. 3268 be considered immediately, and the motion was carried.

SUBSTITUTE SENATE BILL NO. 3268, by Committee on Ways and Means (Originally sponsored by Senator Mardesich):

Relating to bookkeeping transactions within the state general fund.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 3268 was placed on final passage.

Mr. Shinpoch spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3268, and the bill passed the House by the following vote: Yeas, 85; nays, 11; not voting, 1.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Hurley M., Juelling, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Maxie, May, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Adams, Gaines, Hawkins, Jastad, Kalich, Lysen, Martinis, McCormick, Moon, Sawyer, Wojahn.

Not voting: Representative Matthews.

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.

Mr. Matthews appeared at the bar of the House.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business for immediate consideration of House Concurrent Resolution No. 52.

THIRD READING

HOUSE CONCURRENT RESOLUTION NO. 52, by Representative Thompson:

Suspend ESCR No. 125 for consideration of HJR No. 5.

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

Mr. Thompson spoke in favor of adoption of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 52, and the resolution was adopted by the House by the following vote: Yeas, 95; nays, 2; not voting, 0.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Jastad, Juelling, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, McCormick, McKibbin,

Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Hurley M., May.

House Concurrent Resolution No. 52, having received the constitutional two-thirds majority, was declared adopted.

HOUSE JOINT RESOLUTION NO. 5, by Representatives King and Hayner (by Committee on Constitution and Elections of the 43rd Legislature request):

Amending the Constitution to change the amendment process thereof.

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

Mr. King spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 5, and the resolution passed the House by the following vote: Yeas, 87; nays, 10; not voting, 0.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Charette, Deccio, Dunlap, Eikenberry, Freeman, Hurley M., Matthews, Newhouse, Pardini, Schumaker.

House Joint Resolution No. 5, having received the constitutional two-thirds majority, was declared passed.

MOTION

On motion of Mr. Thompson, the House reverted to the sixth order of business for immediate consideration of Engrossed House Bill No. 950.

SECOND READING

ENGROSSED HOUSE BILL NO. 950, by Representative Adams:

Relating to health, welfare and safety.

The bill was read the second time.

On motion of Mr. Shinpoch, the committee amendments were adopted.

(For Committee amendments, see Reports of Standing Committees, today's Journal.)

Mr. Parker moved adoption of the following amendment to the title.

On page 1, line 1 of the title, after "safety" insert "; adding a new section to chapter 26, Laws of 1959 and to chapter 74.09 RCW; making an appropriation; and declaring an emergency"

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "With the title amendment, would House Bill No. 950 be a suitable vehicle for the Senate to put a tax package on?"

The Speaker Pro Tem: "I would doubt it very much, but the Speaker will not rule on this at this time."

The amendment to the title was adopted.

Engrossed House Bill No. 950 was ordered reengrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Reengrossed House Bill No. 950 was placed on final passage.

Representatives Parker and Deccio spoke in favor of passage of the bill, and Mr. Charette spoke against it.

POINT OF INQUIRY

Mr. Parker yielded to question by Mr. Douthwaite.

Mr. Douthwaite: "My question deals with the language on lines 17 through 21 where it specifies that the regulations shall provide that no payment will be made to a nursing home which does not permit inspection by the Department of Social and Health Services of every part of the premises and examination of all records, including financial, etc. Is this really new language, and what will happen in the event the Department makes an inspection and finds out that the nursing home is below standard? Will they still be able to receive anything?"

Mr. Parker: "This is the exact language that we adopted in the budget during the last regular session of the legislature; however, as you know, budgetary language is only good for the biennium. If Reengrossed House Bill No. 950 passes this will be statutory law. It has worked to show one thing to a great many legislators and that is that we put the language in that says we wanted their financial records open; we wanted to audit their books—then we audited the books and found we weren't paying our way with public assistance patients, so we froze the rates. What this language will do as statutory language, as an ongoing program, is require that we have a cost reimbursement system. I'm hopeful that as a result of that system, future administrations will request from the legislature adequate funding to support our public assistance patients in nursing homes. I hope that you will vote for this bill."

Mr. Douthwaite: "I gather that you are saying that the language is not new in the sense that these nursing homes are open and are being inspected now and are meeting with the regulations?"

Mr. Parker: "What I am saying is that they are open, they are being inspected, but we are not, on the basis of our own audits, paying our fair share of the way. We're not paying for the services that we are requiring and as a result many private patients are subsidizing public patients."

Mr. Douthwaite: "The reason we are not paying though is not that the homes are below standard?"

Mr. Parker: "No, if homes are below standard, the Director has licensure power and he also has power to withhold Title 19 funding."

Mr. Douthwaite: "Are there homes that are below standard and is the language accomplishing something in the sense of bringing these standards up? In other words, I'm looking for some other reason to support this legislation, which I think is good if it works."

Mr. Parker: "The only thing I can say is, where do you set the standards? I think, personally, the state has set the standards too low, because they haven't had the money to pay for the standard we should have. I'm not sure that House Bill No. 950 will appropriate enough money to raise those standards higher than they are right now, because many homes are in a deficit situation, but I'm hopeful that with this language we will be able to convince enough legislators and the executive branch that there is a crisis and that we will raise the money necessary to bring nursing homes to an acceptable standard for all the patients that are in them."

Ms. Lee spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Parker yielded to question by Mr. Boldt.

Mr. Boldt: "I don't know the exact details, but I'm trying to recall a bill that passed the legislature last session regarding fines for noncompliance. If passed, would this bill provide the funds necessary to comply and would that fining procedure then go into effect?"

Mr. Parker: "I think the bill you referred to (and I don't remember the number) was based on state standards, not on Title 19 standards. All the nursing homes within the state meet the state licensing standards, but not all of them meet the Title 19 standards."

Mr. Matthews spoke in favor of the bill.

POINT OF ORDER

Mr. Charette: "We have a matter of consideration at 3 o'clock and it is now 3 o'clock; may we move on to it?"

The Speaker Pro Tem: "Your point of order is well taken, Representative Charette."

SPECIAL ORDER OF BUSINESS

The hour of 3:00 p.m. having arrived, the Speaker Pro Tem declared the question before the House to be the special order of business, House Bill No. 1217 on second reading.

HOUSE BILL NO. 1217, by Representative Randall:

Relating to revenue and taxation.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "What is before the body?"

The Speaker Pro Tem: "House Bill No. 1217."

MOTION

Mr. Pardini moved that further consideration of House Bill No. 1217 be deferred, and that the bill be made a special order of business for 3:15 p.m.

Mr. Pardini spoke in favor of the motion.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Thompson, further consideration of House Bill No. 1217 was deferred, and the bill was ordered held for tomorrow's second reading calendar.

REENGROSSED HOUSE BILL NO. 950:

The House resumed consideration of Reengrossed House Bill No. 950 on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 950, and the bill passed the House by the following vote: Yeas, 88; nays, 9; not voting, 0.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Becker, Bender, Charette, Charnley, Clemente, Ehlers, Eng, Hanna, McKibbin.

Reengrossed House Bill No. 950, having received the 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 Mr. Thompson, the House advanced to the eighth order of business.

Mr. Bender moved that SUBSTITUTE SENATE BILL NO. 3267 be rereferred from Committee on Higher Education to Committee on Education.

Representatives Bender and Bauer spoke in favor of the motion, and Representatives Nelson and Patterson spoke against it.

POINT OF ORDER

Mr. Charette: "I thought this was a motion to rerefer a bill and it seems to me that we're having a review and a show of what some might consider intelligence on behalf of the speaker."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "According to Reed's Rule 120, 'The motion to commit is debatable, but the merits of the main question are not open to discussion on this motion...' The

Speaker would hope that you would hold your remarks to the question of referral and not get into the merits or demerits of the main question."

Mr. Patterson continued his remarks in opposition to the motion.

Ms. Maxie spoke in favor of the motion, and Mr. Peterson spoke against it.

POINT OF INQUIRY

Mr. Bond asked Ms. Maxie to yield to question, and she refused to yield.

ROLL CALL

The Clerk called the roll on the motion to rerefer Substitute Senate Bill No. 3267 from Committee on Higher Education to Committee on Education, and the motion was carried by the following vote: Yeas, 60; nays, 37; not voting, 0.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, North, O'Brien, Osterman, Parker, Perry, Randall, Sawyer, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Juelling, Kuehnle, Leckenby, Lee, Matthews, Moreau, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

MOTIONS

On motion of Mr. Bender, ENGROSSED SENATE BILL NO. 3261 was rereferred from Committee on State Government to Committee on Constitution and Elections.

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Thursday, February 26, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FIFTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, February 26, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Leckenby and Perry, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Monica Wilfong and John Barnett. Prayer was offered by Dr. John Lewis Lund, Bishop of the Church of Jesus Christ of the Latter Day Saints of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

February 25, 1976

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1255,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

**SUBSTITUTE HOUSE BILL NO. 771,
HOUSE BILL NO. 840,
HOUSE BILL NO. 1255.**

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, Knoblauch; Representatives Sommers, Hurley (Margaret), Zimmerman.

MOTION

On motion of Ms. Sommers, the report of the Conference Committee was adopted.

**FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE**

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 3003 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 3003 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas, 76; nays, 0; not voting, 21.

Voting yea: Representatives Adams, Amen, Barnes, Bausch, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, May, McCormick, Moon, Moreau,

Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Peterson, Polk, Sawyer, Schumaker, Seeberger, Sherman, Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Bauer, Becker, Bond, Eng, Fischer, Haley, Hansey, Hurley G. S., Jueling, Leckenby, Matthews, Maxie, McKibbin, Patterson, Perry, Randall, Shinpoch, Smith E. P., Smith R., Tilly.

Engrossed Substitute Senate Bill No. 3003 as recommended 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.

SENATE AMENDMENTS TO HOUSE BILL

February 25, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1376 with the following amendments:

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"

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Blair, the House concurred in the Senate amendments to Engrossed House Bill No. 1376.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Bill No. 1376 as amended by the Senate.

Mr. Blair spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1376 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; nays, 0; not voting, 9.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jueling, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Erickson, Haley, Jastad, King, Leckenby, Perry, Smith R., Tilly.

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.

SECOND READING

On motion of Mr. Thompson, consideration of HOUSE BILL NO. 1217 on second reading was deferred, and the bill was ordered placed at the bottom of the second reading calendar.

The Speaker Pro Tem called on Mr. Charette to preside:

HOUSE CONCURRENT RESOLUTION NO. 50, by Representative Newhouse:

Suspends legislative consideration cut-off dates for House Bill No. 1544.

The resolution was read the second time.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and House Concurrent Resolution No. 50 was placed on final passage.

Representatives Thompson and Newhouse spoke in favor of the resolution, and it was adopted.

HOUSE BILL NO. 1544, by Representatives Ceccarelli, Pardini, Bagnariol, Deccio and McCormick:

Revising laws relating to insurance.

The bill was read the second time.

On motion of Mr. Ceccarelli, Substitute House Bill No. 1544 was substituted for House Bill No. 1544, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1544 was read the second time.

On motion of Mr. Ceccarelli, the following amendment was adopted:

On page 6, line 29 after "signed by" insert "the insured or by the agent if authorized in writing by"

Mr. Deccio moved adoption of the following amendment by Representatives Deccio and Pardini:

On page 8, line 12 after "substantiated." insert "No insurer doing business on a brokerage basis may deny any broker-producer the same marketing facilities offered to any other broker-producer."

Representatives Deccio and Kilbury spoke in favor of the amendment, and Representatives Ceccarelli and Newhouse spoke against it.

Mr. Pardini withdrew his name from the amendment, and spoke against it.

Mr. Boldt spoke in favor of the amendment, and Mr. Berentson spoke against it.

POINT OF INQUIRY

Mr. Deccio yielded to question by Mr. Moon.

Mr. Moon: "Do insurance brokers have to take any kind of special examination so that they can qualify themselves to represent not only the insurance companies, but the consumer as well?"

Mr. Deccio: "Yes, they do."

Mr. Deccio spoke again in favor of the amendment.

POINT OF ORDER

Mr. Ceccarelli: "I would refer the Speaker to Reed's Rule 50. I don't think we have to take on the hop growers and I think the speaker is going far afield. He's demeaning the motives of other members."

RULING BY THE SPEAKER (MR. CHARETTE PRESIDING)

The Speaker (Mr. Charette presiding): "Representative Deccio, while the Speaker feels that you are not a long way outside the rules, we would remind you to keep your remarks within the scope of the amendment."

Mr. Deccio continued his remarks in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Deccio to Substitute House Bill No. 1544, and the amendment was adopted by the following vote: Yeas, 53; nays, 39; not voting, 5.

Voting yea: Representatives Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Bond, Clemente, Cochrane, Conner, Deccio, Douthwaite, Ehlers, Eng, Erickson, Freeman, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hawkins, Hayner, Hurley G. S., Kilbury, Kuehnle, Lee, Lysen, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, North, Osterman, Paris, Patterson, Peterson, Randall, Schumaker, Sherman, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson.

Voting nay: Representatives Adams, Amen, Berentson, Blair, Brown, Ceccarelli, Chandler, Charette, Charnley, Curtis, Eikenberry, Fischer, Flanagan, Fortson, Gaines, Gallagher, Haley, Hansey, Haussler, Hendricks, Hurley M., Jastad, Juelling, Kalich, King, Knowles, Laughlin, Lux, Martinis, McCormick, Newhouse, Pardini, Parker, Sawyer, Seeberger, Shipoch, Sommers, Wojahn, Zimmerman.

Not voting: Representatives Dunlap, Leckenby, O'Brien, Perry, Polk.

Substitute House Bill No. 1544 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Substitute House Bill No. 1544 was placed on final passage.

Mr. Ceccarelli spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Ceccarelli yielded to question by Mr. Moon.

Mr. Moon: "Section (d) on page 5 says that there will be an assessment of \$50 made to each of the member insurance companies and then this \$50 will be credited against the amount they pay in premium taxes, and then this premium tax, because it's reduced, makes the amount of money that's finally paid into the state general fund a lesser amount. What is the fiscal impact on this?"

Mr. Ceccarelli: "I don't have that information."

Mr. Moon: "Obviously there is a fiscal impact because this is a credit against the premium tax and I was just wondering of what magnitude the impact was?"

Mr. Ceccarelli: "I'm trying to be very honest and I just don't have that information. This is just to run the association. In the past the companies have taken it out of their pockets, so to speak, to help the Guaranty Association. This puts it on a more business-like basis. The premium tax that would be lost with the \$50 assessment of each company, I am sure would be very, very nominal. I don't think that should be an issue at all in the passage of this bill. I really don't have the figure and I wouldn't want to quote it and mislead anyone."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1544, and the bill passed the House by the following vote: Yeas, 86; nays, 4; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Kuehnle, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moreau, Nelson, North, O'Brien, Osterman, Paris, Parker, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Haley, Moon, Pardini, Patterson.

Not voting: Representatives Eng, Gaines, Kalich, Leckenby, Newhouse, Perry, Warnke.

Engrossed House Bill No. 1544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE CONCURRENT RESOLUTION NO. 51, by Representative Valle:

Suspends legislative consideration cut-off dates for House Bill No. 1612.

The resolution was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and House Concurrent Resolution No. 51 was placed on final passage.

Mr. Thompson spoke in favor of the resolution, and it was adopted.

HOUSE BILL NO. 1612, by Representative Valle:

Authorizing local governments to adopt certain rules by reference.

The bill was read the second time.

On motion of Mrs. Valle, Substitute House Bill No. 1612 was substituted for House Bill No. 1612, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1612 was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute House Bill No. 1612 was placed on final passage.

Representatives Valle and Zimmerman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1612, and the bill passed the House by the following vote: Yeas, 82; nays, 9; not voting, 6.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bausch, Becker, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Bauer, Berentson, Freeman, Gilleland, Hansey, Hayner, Schumaker, Whiteside.

Not voting: Representatives Eikenberry, Leckenby, Newhouse, Perry, Warnke, Wilson.

Substitute House Bill No. 1612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker Pro Tem resumed the Chair.

MOTION

On motion of Mr. Thompson, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representative Perry, who was excused.

SECOND READING

HOUSE BILL NO. 1435, by Representatives Newhouse and Conner:

Permitting the chief of the Washington state patrol to serve beyond age sixty.

The bill was read the second time.

Mr. Charnley moved that the rules be suspended, the second reading considered the third, and House Bill No. 1435 be placed on final passage.

Representative Hurley (George) spoke against the motion.

The motion was carried.

Representatives Newhouse and Parker spoke in favor of passage of the bill, and Mr. Hurley (George) spoke against it.

POINT OF INQUIRY

Mr. Newhouse yielded to question by Ms. Lee.

Ms. Lee: "Is there any other state law that then would come into play provided we should pass this? In other words, is there another age, like age 65, which applies to other personnel that would apply at a later date?"

Mr. Newhouse: "I'm not really expert on this, but in my opinion, there is an age 70 which might come into play for various state officials. Very few have a mandatory retirement age—even legislators do not. In this case, there's a quirk in the State Patrol Law. It was not really meant, I think, when the law was passed—the pension system for the Patrol—that the chief would have come up through the ranks. You may not have been aware, but I believe the present chief is the only one other than the one who served for a couple of years while he left for health reasons, Mr. Furseth also came through the ranks and was forced to retire at age 60 when Mr. Bachofner came back. That is one of the very few and to my knowledge the only one, that has been forced to retire at so low an age."

Mr. Shinpoch spoke in favor of passage of the bill, and Mr. Haley spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1435, and the bill passed the House by the following vote: Yeas, 84; nays, 1; not voting, 12.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representative Haley.

Not voting: Representatives Adams, Bausch, Charette, Deccio, Martinis, Moreau, Pardini, Perry, Seeberger, Smith R., Warnke, Wojahn.

House Bill No. 1435, having received the 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 Mr. Thompson, House Bill No. 1435 was ordered transmitted immediately to the Senate.

Mr. Thompson moved that ENGROSSED SENATE BILL NO. 2982 be rereferred to Committee on Rules.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Polk.

Mr. Polk: "Representative Thompson, I understand that the leadership should have talked about this. Is it your intention that it will actually be further considered, or is it just going back to Rules for a quiet death? I don't mean to be facetious about it, but the subject matter is something that I think deserves consideration by this body, and there are good reasons for passing it even though I concur in your comments that there are a lot of questions."

Mr. Thompson: "Representative Polk, had you attended today's Rules Committee meeting, you would be aware that no death is quiet anymore in the Rules Committee. Certainly it is not our intention that this bill should be removed from further consideration by this motion—it's alive under the cut-off resolution and is certainly available for further consideration."

The motion was carried.

Mr. Thompson moved that SENATE BILL NO. 3044 be rereferred to Committee on Education.

Representatives Thompson and Bauer spoke in favor of the motion, and Representatives Curtis, Polk and Hurley (Margaret) spoke against it.

ROLL CALL

The Clerk called the roll on the motion to rerefer Senate Bill No. 3044 to Committee on Education, and the motion was lost by the following vote: Yeas, 46; nays, 46; not voting, 5.

Voting yea: Representatives Adams, Bauer, Bausch, Bender, Boldt, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Fortson, Gaines, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Maxie, McCormick, McKibbin, Moon, O'Brien, Osterman, Paris, Perry, Sherman, Sawyer, Sherman, Shinpoch, Smith E. P., Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Amen, Barnes, Becker, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Erickson, Fischer, Flanagan, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Juelling, Kuehnle, Leckenby, Matthews, May, Nelson, Newhouse, North, Pardini, Parker, Patterson, Peterson, Polk, Schumaker, Seeberger, Sommers, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Bagnariol, Charette, Martinis, Moreau, Smith R.

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 and passed to Committee on Rules for third reading.

ENGROSSED SENATE BILL NO. 3129, by Senators Bottiger, Jolly and Lewis (R.H.):

Broadening categories of electric power producers which may participate in joint power projects.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3129 was placed on final passage.

Mr. Haussler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3129, and the bill passed the House by the following vote: Yeas, 93; nays, 0; not voting, 4.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hausster, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Martinis, Moreau, Smith R.

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.

SUBSTITUTE SENATE BILL NO. 3158, by Committee on Transportation and Utilities (Originally sponsored by Senator Henry):

Making an appropriation to the Washington wing civil air patrol.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 3158 was placed on final passage.

Representatives Hansen and Lee spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3158, and the bill passed the House by the following vote: Yeas, 90; nays, 1; not voting, 6.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Douthwaite.

Not voting: Representatives Bagnariol, Martinis, Moreau, Pardini, Smith R., Whiteside.

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.

THIRD READING

SUBSTITUTE SENATE BILL NO. 2689, as amended by the House, 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.

Mrs. Valle spoke in favor of passage of the bill, and Representatives Ehlers, Fortson and Hayner spoke against it.

POINT OF INQUIRY

Mrs. Hayner yielded to question by Mr. Bauer.

Mr. Bauer: "If we don't pass this bill the current practice of kick-back or whatever, will continue?"

Mrs. Hayner: "No, it will not because it is my understanding the Attorney General has said that it is illegal."

POINT OF INQUIRY

Mrs. Hayner yielded to question by Mr. Douthwaite.

Mr. Douthwaite: "I think I know the answer to this and I'm not an attorney, but because the Attorney General says something is illegal does not necessitate any action to transpire at all, so I think the answer to Representative Bauer's question is yes, the present status quo will continue, right?"

Mrs. Hayner: "Right."

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 2689 as amended by the House, and the bill failed to pass the House by the following vote: Yeas, 39; nays, 52; not voting, 6.

Voting yea: Representatives Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Charette, Clemente, Cochrane, Conner, Douthwaite, Erickson, Fischer, Gallagher, Gaspard, Hawkins, Hurley G. S., Hurley M., King, Knowles, Lux, Lysen, Maxie, May, McKibbin, Moon, O'Brien, Osterman, Pardini, Randall, Seeburger, Shinpoch, Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Voting nay: Representatives Adams, Amen, Barnes, Berentson, Bond, Chandler, Charnley, Curtis, Deccio, Dunlap, Ehlers, Eng, Flanagan, Fortson, Freeman, Gaines, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hayner, Hendricks, Jastad, Juelling, Kalich, Kilbury, Kuehnle, Laughlin, Leckenby, Lee, Matthews, McCormick, Nelson, Newhouse, North, Paris, Parker, Patterson, Peterson, Polk, Sawyer, Schumaker, Sherman, Smith E. P., Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Blair, Eikenberry, Martinis, Moreau, Perry.

Substitute Senate Bill No. 2689 as amended by the House, having failed to receive the constitutional majority, was declared lost.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 25, 1976

SENATE BILL NO. 3040, Prime Sponsor: Senator Odegaard, making certain changes in the budget and accounting act. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Shinpoch, Chairman; Amen, Bagnariol, Bausch, Blair, Boldt, Charette, Curtis, Flanagan, Freeman, Gaspard, Hansey, McKibbin, Smith (Rick).

To Committee on Rules for second reading.

February 25, 1976

ENGROSSED SENATE BILL NO. 3149, Prime Sponsor: Senator Walgren, increasing funding of the state toxicological laboratory and directing a percentage increase for such funding each biennium. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Shinpoch, Chairman; Amen, Bagnariol, Bausch, Blair, Curtis, Flanagan, Freeman, Gaspard, Hansey, McKibbin, Smith (Rick), Valle.

To Committee on Rules for second reading.

February 25, 1976

ENGROSSED SUBSTITUTE SENATE BILL NO. 3172, Prime Sponsor: Senator Henry, creating the state energy policy commission. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass 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) 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 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. 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 1-58 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 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. 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 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: PROVIDED, That in the event of an energy emergency the powers of the governor shall be limited to those actions authorized under new section 13 of this 1976 amendatory act.

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)) 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. 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 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 ~~((m))~~ 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;

(c) Electric transmission lines constructed to operate at nominal voltages in excess of 200,000 volts with a total length of at least fifteen miles;

(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;

(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 an 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. 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. 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. and RCW 70.98.070; defining crimes; prescribing penalties; prescribing an effective date; and declaring an emergency."

Signed by Representatives Barnes, Berentson, Bond, Ceccarelli, Chandler, Douthwaite, Dunlap, Gaines, Gallagher, Gilleland, Hansen, Hayner, Leckenby, Martinis, McCormick, Patterson, Schumaker, Sherman, Wilson.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House advanced to the eighth order of business.

AMENDMENT TO HOUSE RULES

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Sommers to House Rule 26.

(For previous action, see yesterday's Journal.)

Mr. King moved adoption of the following amendment to the Sommers amendment:

On line 2 of the amendment after "resolution" and before "which" insert "or amendment to the bill, joint or concurrent resolution under consideration"

Representatives King and Kuehnle spoke in favor of the amendment to the amendment, and it was adopted.

Mr. King moved adoption of the following amendment to the Sommers amendment:

At the end of the amendment add a new sentence to read as follows: " PROVIDED FURTHER, That any amendments to such bill, joint or concurrent resolution which reduce the amount of savings to

the state but whose total effect would result in a net reduction of state costs, shall be exempt from the provisions of this rule."

Representatives King and Parker spoke in favor of the amendment to the amendment, and Mr. Kuehnle spoke against it.

POINT OF INQUIRY

Mr. King yielded to question by Mr. Warnke.

Mr. Warnke: "Your amendment is anything that reduces cost to the state would be exempt from the provisions of House Rule 26. In the LEOFF system where a bill comes on the floor, reduces the state contribution, but increases the employee contribution and increases the city contribution or local government employer contribution, that would a net reduction to the state, but it would be an increase of the cost to the system—would that be immune from House Rule 26 then?"

Mr. King: "That was not the intent, but it might be, the way it is worded."

Mr. Leckenby spoke against the amendment to the amendment.

POINT OF INFORMATION

Ms. Sommers: "An earlier speaker said that he felt the proviso coming as it does at the end would exempt the amendment from the requirements of an actuarial statement as to the net effect, and I would like to ask the Chair if the Chair agrees with that statement that this proviso would exempt such amendment from the requirements that there be an actuarial statement as to the net effect?"

The Speaker Pro Tem: "Representative Sommers, it appears that it isn't right for the Speaker to rule on your point at this time. It would appear that you should take this up with the person who drafted this amendment and find out specifically, if you can, how far it goes. The Speaker would rule on such a question only when it is presented as a point of order of something of that nature."

Representatives Blair and Sommers spoke against the amendment to the amendment.

With the consent of the House, Mr. King withdrew the amendment.

The Speaker Pro Tem stated the question before the House to be the Sommers amendment to Rule 26 as amended.

Representatives Sommers and Warnke spoke in favor of the amended amendment, and Representatives Parker and Charette spoke against it.

POINT OF INQUIRY

Mr. Warnke yielded to question by Mr. Sawyer.

Mr. Sawyer: "If I read this right, it says that any such bill that reduces cost—and I don't know what it means. Reduces cost to whom? I understand under the LEOFF system that we are considering raising the cost to the cities. Does that mean it would take a two-thirds vote because we are raising the cost to one segment? It would reduce the cost to the state, but it would increase the cost to the cities. How would that rule be interpreted? Would it take two-thirds or fifty percent?"

Mr. Warnke: "I'm sorry you missed the question and answer period with Representative King. That's the very reason he removed his second amendment. His amendment was not clear that it is to the system. I believe the rule change says that reduces cost to the system and not to any segment of the pension system."

Mr. Sawyer: "I was here before, but I'm still asking on this particular thing. It says reduces cost."

Mr. Warnke: "The question, I think, is still no, Representative Sawyer. As long as it reduces cost to the system, and that is the entire pension system."

POINT OF INQUIRY

Mr. Parker yielded to question by Mr. Hurley (George).

Mr. Hurley (George): "You stated you were going to vote against this amendment, is that correct?"

Mr. Parker: "That's correct."

Mr. Hurley (George): "I wonder if you're familiar with what happened in the Ways and Means Committee on the latest pension bill, Substitute Senate Bill No. 3292?"

Mr. Parker: "No."

Mr. Hurley (George): "We literally had hundreds, if not thousands of amendments to the bill—there were 104 amendments on one piece of paper and it was considerably difficult for those of us who are members of that committee to go through those and try to put them in the proper perspective in the bill so that we could come to some sensible justification for voting for or against the bill. What bothers me about your position is that I feel that we may have to make some amendments on this floor to that bill, and if we can't make any amendments we're going to have to vote yes or no and either vote may be a bad vote if we cannot change the bill. In my opinion, it may be necessary to change it; it's very controversial and extremely important to the state. You know that and I would hope you would not oppose and put us in a position where we cannot amend on the floor."

Mr. Parker: "In answer to your question, Representative Hurley, I'm not opposed to amendments on the floor. Rule 26 does not preclude amendments, but what it says is that it requires a two-thirds majority vote for those amendments to pass and if the proviso in the amendment to Rule 26 passes, it says that if the fiscal impact of that particular amendment lowers the cost—if you take Representative Warnke's position—if it lowers the cost to the system then it only takes fifty votes to pass that amendment. If it raises the cost then it takes two-thirds of this body and what I'm saying is that you're proposing a double standard for the adoption of the amendments. If the rule change is that we go to a fifty percent vote, or if we stay with the two-thirds vote, I'm prepared to accept that as long as we don't have a double standard in the House, and that it takes the same number of votes to pass an amendment on a pension bill whether it be up or down."

Mr. Hurley (George): "You're still going to vote against the amendment?"

Mr. Parker: "Yes, Representative Hurley, I am, and I think I would point out to you at the same time that the problem you faced in Ways and Means I believe is a valid one. That's why I like the provision of the rule which requires five days and requires us to take a very studious observation on pension bills. I think any amendment to railroad amendments onto it really smacks in the face of the rule we adopted last year which was to take a very slow and studious approach to amendments and passage of any pension bill."

Mr. Douthwaite spoke against the amendment as amended, and Ms. Sommers again spoke in favor of it.

MOTION

On motion of Mr. Thompson, further consideration of the amendment to House Rule 26 was deferred until tomorrow.

NOTICE OF AMENDMENT TO HOUSE RULES

Mr. Polk served notice that he would, on the next working day, offer an amendment to the House Rules.

Mr. Newhouse served notice that he would, on the next working day, offer an amendment to the House Rules.

MOTION FOR RECONSIDERATION

Mr. Parker, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the House failed to pass Substitute Senate Bill No. 2689 as amended by the House.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which the House failed to pass Substitute Senate Bill No. 2689 as amended by the House, and the motion was lost by the following vote: Yeas, 35; nays, 58; not voting, 4.

Voting yea: Representatives Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Charette, Clemente, Conner, Douthwaite, Erickson, Fischer, Gallagher, Gaspard, Hurley G. S., Hurley M., King, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, O'Brien, Osterman, Parker, Randall, Shinpoch, Sommers, Thompson, Valle, Warnke, Williams.

Voting nay: Representatives Adams, Amen, Barnes, Berentson, Blair, Bond, Chandler, Charnley, Cochrane, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Flanagan, Fortson, Freeman, Gaines, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Jastad, Juelling, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Martinis, Matthews, McCormick, Nelson, Newhouse, North, Pardini, Paris, Patterson, Peterson, Polk, Sawyer, Schumaker, Seeberger, Sherman, Smith E. P., Smith R., Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Hendricks, Perry, Tilly.

POINT OF PARLIAMENTARY INQUIRY

Mr. Peterson: "Mr. Speaker, last week or thereabouts the legislature passed, and the Governor signed, House Bill No. 1166, which moved the property tax collection date up to about March 1st. From reading an Attorney General's opinion, I understand if the legislature does not pass and the Governor does not sign into law by March 1st a school funding package, we will not be able to offer those districts who have passed a levy a rollback on their taxes. My question is whether the leadership has worked out a plan with the Senate leadership which would either extend the provisions of House Bill No. 1166 or some plan to pass and put into law a school funding package by March 1st?"

The Speaker Pro Tem: "That's a very good question and deserves an answer, but I don't know by whom."

Mr. Bagnariol: "The House leadership has been working with the Senate. There has not been a consensus on the Newschwander plan which would be the plan that would have to be implemented prior to March 1st. You've had an opportunity to look at a combination of the Hodde plan and Newschwander plan combined; you had an opportunity to vote for a funding package to take care of education the other day and you chose to vote no. I don't think it's possible for us to pass the Newschwander plan that would require implementation, and I guess I have to assume that some people are looking for an excuse to do nothing and that's their prerogative. The Senate has now come out and said what they'd like to do is refer the whole matter to the people and I guess that's possibly an easy way out for those of you who do not want to bite the bullet and try to support schools. What is it, Representative Peterson, that you would be willing to do to support schools besides make political speeches?"

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Friday, February 27, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FIFTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, February 27, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives McCormick and Smith (Rick), who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sherry Connor and Denny Gabriel. Prayer was offered by Father William L. Treacy of St. Michael's Catholic Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:
HOUSE BILL NO. 1376.

MESSAGE FROM THE SENATE

February 26, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1266,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

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, Beck; Representatives Fortson, Sherman, Chandler.

MOTION

On motion of Mr. Hawkins, the House adopted the report of the Conference Committee on Engrossed Senate Bill No. 2989.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Senate Bill No. 2989 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 2989 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas, 84; nays, 0; not voting, 13.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Lee, Matthews, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bond, Ceccarelli, Chandler, Hansey, King, Leckenby, Lux, Lysen, Martinis, McCormick, Perry, Smith R., Tilly.

Engrossed Senate Bill No. 2989 as recommended 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 SENATE

February 26, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on REENGROSSED HOUSE BILL NO. 971, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

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, as amended by the Senate, have had the same under consideration, and we report that we cannot agree and request powers of Free Conference in order to propose amendments to the Senate amendment.

Signed by Senators Donohue, Matson, Woody; Representatives Randall, Sommers, Nelson.

MOTION

On motion of Mr. Randall, the report of the Conference Committee was adopted, and they were granted powers of Free Conference.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives McCormick, Moreau, Sawyer, Seeberger and Smith (Rick). Representatives McCormick and Seeberger were excused.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 55, by Representative Newhouse:

Rules be suspended for consideration of Senate Bill No. 3032.

MOTION

On motion of Mr. Newhouse, the rules were suspended, and House Concurrent Resolution No. 55 was advanced to second reading and placed on today's second reading calendar.

REPORTS OF STANDING COMMITTEES

February 24, 1976

SUBSTITUTE SENATE BILL NO. 2038, Prime Sponsor: Senator Rasmussen, regulating environmentally hazardous wastes. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means - Appropriations.

February 27, 1976

ENGROSSED SENATE BILL NO. 2982, Prime Sponsor: Senator Woody, permitting the state fire marshal to preempt local codes with approval by the advisory board. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Education.

February 27, 1976

SENATE BILL NO. 3091, Prime Sponsor: Senator Goltz, implementing law relating to certification of personnel employed in the common schools. Reported by Committee on Education.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 30 after "prepare" strike all material through "institutions of" and insert "~~((an accredited list of those 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"

Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Brown, Eng, Fortson, Gaspard, Hendricks, Valle, Whiteside.

To Committee on Rules for second reading.

February 27, 1976

SUBSTITUTE SENATE BILL NO. 3267, Prime Sponsor: Senator Sandison, implementing 1975 vocational education act. Reported by Committee on Education.

MAJORITY recommendation: Do pass. Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Brown, Ehlers, Eng, Fortson, Gaspard, Valle, Whiteside.

To Committee on Rules for second reading.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 55, by Representative Newhouse:

Rules be suspended for consideration of Senate Bill No. 3032.

The resolution was read the second time.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and House Concurrent Resolution No. 55 was placed on final passage.

ROLL CALL

The Clerk called the roll on adoption of House Concurrent Resolution No. 55, and the resolution was adopted by the following vote: Yeas, 88; nays, 0; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McKibbin, Moon, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Perry, Peterson, Polk, Randall, Schumaker, Seeburger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Deccio, Gaspard, Kalich, McCormick, Moreau, Patterson, Sawyer, Smith R., Whiteside.

House Concurrent Resolution No. 55, having received the constitutional two-thirds majority, was declared adopted.

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.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Senate Bill No. 3032 was placed on final passage.

Mr. Parker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3032, and the bill passed the House by the following vote: Yeas, 89; nays, 0; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McKibbin, Moon, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Deccio, Hanna, Kalich, McCormick, Moreau, Patterson, Sawyer, Smith R.

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.

SENATE BILL NO. 3036, by Committee on Transportation and Utilities (Endorsed by Senators Walgren, Henry, Peterson, Benitz, Sellar, Lewis R.H., Wanamaker, Morrison, Bottiger, Keefe and Knoblauch):

Establishing procedures for enforcing vehicle identification laws.

The bill was read the second time.

Committee on Transportation and Utilities recommendation: Majority, do pass as amended. (For amendments, see Journal, Forty-fourth Day, 2nd ex. sess., February 17, 1976.)

Mr. Perry moved adoption of the committee amendments.

POINT OF INQUIRY

Mr. Perry yielded to question by Mr. Newhouse.

Mr. Newhouse: "Wouldn't it perhaps be more economical for us to continue the old VIN program in view of the fact that the thefts are supposed to have occurred outside the state? We are enforcing a law and perhaps getting ourselves into liability as a state in the process."

Mr. Perry: "There was a great deal of interest in killing the VIN program and after discussions with the State Patrol and discussions about the two million dollars, this amendment was adopted to placate the people who bought the stolen vehicles and then had to pay for them again after they had the inspection. I think in the next biennium we probably will be bringing up some legislation like that, but I urge you to support this measure now to at least give the people a little justice."

Mr. Gallagher spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Perry yielded to question by Mr. Pardini.

Mr. Pardini: "In the administration of this bill, who decides if a person gets paid and if they don't get paid? Does the bill contain a provision for administration?"

Mr. Perry: "The State Patrol Fund pays for the person."

Mr. Pardini: "In that case then, the Chief of the State Patrol is currently the one who is authorized to make those decisions?"

Mr. Perry: "Yes."

The committee amendments were adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3036 as amended by the House was placed on final passage.

Mr. Hansen spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Perry yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "In reading the amendment dealing with the reimbursement to the individual for whatever he paid for a vehicle that turns out to be stolen, are there any requirements upon him to make an effort to be sure he didn't buy a stolen car? The thing I'm concerned about is are we, in essence, laying a government guarantee out here and encouraging people to try to get a good deal?"

Mr. Perry: "What happened is that the State Patrol didn't catch some of these hot cars in the first place. The owner is away on vacation or something, a person steals a car in another state, brings it in and sells it with phony papers and then when the person comes home and finds their car is missing they turn in a report and the car is listed on the stolen car sheet. Most of these people who buy these cars are dealers and they are not running around buying hot cars, so I think to allay your fears, there's nobody making a racket trying to run a hot car by the State Patrol."

Mr. Kuehnle: "I don't have to prove that I took any particular steps to determine legitimate ownership of the vehicle in order to collect from the state?"

Mr. Perry: "When you buy the car you get a title and you have all those papers in your hand and you go to the State Patrol and tell them you've bought a car in Oregon or someplace and you want to get it cleared. When you have those papers in your hand, that's the owner registration, and that's what they register it from in both states. It's pretty apparent that you're not going to the police to try to run a forged document by the police. It's inconceivable to me that when a person goes into another state, if you are inferring that he's going to steal a car, forge a set of documents and then come to the state of Washington where we have this inspection program and the State Patrol could find out he's stolen a car; I don't think that's going to happen. This state is not a very good haven for stolen cars. This program has worked pretty well except for a few exceptions."

Mr. Kuehnle: "My assumption then is that if a person in good faith bought a vehicle, got documentation in the way of a title, etc., all of which looked legitimate to him—he would have no way of knowing if there had been a forgery or if a number had been changed or anything—in no circumstances would the state step in if inspection proved that it was hot, and if that were the case, then there would have to have been a forgery or a number change somewhere?"

Mr. Perry: "Yes, but I don't know what you can do about that kind of thing."

Mr. Gallagher spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Hansen yielded to question by Mr. Tilly.

Mr. Tilly: "I know when this program was first sold to the legislature a couple of years ago about \$1.5 million annually was what the income was going to be, but then we found out afterwards that there would be a considerable need for personnel to administer the VIN Act and we found that the State Patrol was requesting more people. I'm just wondering if the language in sections 1 and 2—it looks to me like it's taking in more types of vehicles—is this going to cause the State Patrol to come back and want more appropriation money to administer this new feature?"

Mr. Hansen: "At the present time the State Patrol is doing this with the manpower that they have and they have not asked for an increase in manpower for this purpose. The \$50,000 that is being set out in this program is strictly for the mistake if there is an error in our State Patrol's inspection of an automobile. The state is not liable for hot cars that they pick up; it's the ones that get by the State Patrol and they issue clear title to in the state of Washington and then find out that they have been altered and they haven't been picked up. Those are the only ones the State Patrol would be liable for on this \$50,000. At the present time there has been no more personnel put on for this program."

Mr. Tilly: "My concern, Representative Hansen, is in the next biennium. They probably can't add more now, but are you saying that the Transportation Committee will not be asking for more people to administer the next biennium?"

Mr. Hansen: "I'm not going to completely say yes or no, but we had assurance from the State Patrol at this time that there would be none. There is a study out now looking at the manpower of the State Patrol as a whole and the need in different areas, so if this manpower request comes back and shows that we are understaffed on the State Patrol then possibly the Chief will be back for more manpower. At the present time I don't think there's anything in the mill that indicates that they will be after more manpower until after this study comes in that's being investigated at the present time."

POINT OF INQUIRY

Mr. Perry yielded to question by Mr. Randall.

Mr. Randall: "In section 7 of the amendment it says, 'His vehicle identification number was physically inspected and verified pursuant to RCW 46.12.030(3)...'. That means that he owned the car—he's purchased the car? Am I reading that right? It's not prior to purchase, but it's subsequent to purchase?"

Mr. Perry: "When you bring a car into this state you take it to the State Patrol, or if you are a dealer it comes to your lot and you inspect it, and at that point they give you a clear title."

Mr. Randall: "My concern is, suppose I buy a car out of state and bring it in and it's my car and they verify the number. If it's subsequently found to be a stolen car then it's a state responsibility to pick up my error? On just the inspection of the VIN number the state takes the responsibility to replace that car that I've purchased?"

Mr. Perry: "The whole purpose of this program, and there has been a lot of controversy over the program in the first place, was to stop the stolen cars from coming into this state and there were some people who said the program was worthless and that they wouldn't discover stolen cars, but if you come into the state and pay your ten dollars and if this state says your car is okay and you go out and attempt to resell it or even keep the car, then that's what the ten dollars is for—to tell you you haven't bought a stolen car."

Representatives Perry, Hansen and Charette spoke in favor of the bill and Mr. Randall spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3036 as amended by the House, and the bill passed the House by the following vote: Yeas, 74; nays, 18; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochran, Conner, Curtis, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McKibbin, Moon, North, O'Brien, Osterman, Pardini, Paris, Parker, Perry, Peterson, Schumaker, Seeberger, Sherman, Shinpooh, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn.

Voting nay: Representatives Barnes, Bond, Deccio, Dunlap, Flanagan, Freeman, Hansey, Hayner, Kuehne, Laughlin, Nelson, Newhouse, Patterson, Polk, Randall, Tilly, Whiteside, Zimmerman.

Not voting: Representatives Hanna, McCormick, Moreau, Sawyer, Smith R.

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 SENATE

February 27, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 771,
HOUSE BILL NO. 840,
HOUSE BILL NO. 1255,
HOUSE BILL NO. 1376,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

February 27, 1976

Mr. Speaker:

The President has signed:

SENATE BILL NO. 3129,
 SUBSTITUTE SENATE BILL NO. 3158,
 SUBSTITUTE SENATE BILL NO. 3268,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SENATE BILL NO. 3129,
 SUBSTITUTE SENATE BILL NO. 3158,
 SUBSTITUTE SENATE BILL NO. 3268.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 54, by Representatives Pardini, Moreau and Berentson:

Suspending SCR 125 for consideration of Substitute Senate Bill No. 3097.

The resolution was read the second time.

Mr. Pardini moved that the rules be suspended, the second reading considered the third, and House Concurrent Resolution No. 54 be placed on final passage.

Mr. Pardini spoke in favor of the motion, and Mr. Thompson spoke against it.

Mr. Bender demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Concurrent Resolution No. 54 on third reading and final passage, and the motion failed to receive the constitutional two-thirds majority, by the following vote: Yeas, 58; nays, 31; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Charette, Clemente, Curtis, Deccio, Dunlap, Eikenberry, Eng, Erickson, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, Knowles, Kuehnle, Leckenby, Lee, Martinis, Matthews, May, Nelson, Newhouse, Pardini, Paris, Peterson, Polk, Randall, Schumaker, Smith E. P., Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Becker, Bender, Boldt, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Fischer, Gaspard, Haussler, Hawkins, Hurley G. S., Kilbury, King, Laughlin, Lux, Lysen, Maxie, McKibbin, Moon, O'Brien, Osterman, Perry, Seeberger, Sherman, Shinpoch, Sommers, Thompson, Valle, Williams.

Not voting: Representatives Hanna, McCormick, Moreau, North, Parker, Patterson, Sawyer, Smith R.

House Concurrent Resolution No. 54 was passed to Committee on Rules for third reading.

REPORT OF CONFERENCE COMMITTEE

February 26, 1976

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 3026, 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.

Signed by Senators Stortini, Gould, McDermott; Representatives Bauer, Fortson, Whiteside.

MOTION

On motion of Mr. Bauer, the report of the Conference Committee was adopted, and the committee was granted the powers of Free Conference.

SENATE AMENDMENTS TO HOUSE BILL

February 26, 1976

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364 with the following amendments:

Strike everything after the enacting clause and insert the following:

Substitute bill

"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 or discharged 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 or that a provisional employee should be discharged, 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 discharge or 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 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 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) 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.

(6) The hearing officer shall preside at any prehearing conference scheduled pursuant to subsection (5) 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 (5) 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 ~~((am))~~ 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-'76 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-'76 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."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTIONS

Mr. Bauer moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 1364.

Mr. Curtis moved that the House do concur in the Senate amendments.

Mr. Curtis spoke in favor of the motion to concur, and Mr. Bauer spoke against it.

Mr. Bender demanded an electric roll call and the demand was sustained.

Mr. Polk spoke in favor of the motion, and Mr. Charette spoke against it.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Amen.

Mr. Amen: "In your motion to not concur you stressed the probationary period as the major thing that you weren't satisfied with. Certainly there must be other aspects that you are unhappy with. I know in the questionnaire that I sent out asking whether the people wanted a probationary period, 96% wanted it; 15% said they wanted one year; 31% said they wanted two years; 64% said they wanted three years. I think this is probably indicative of the entire state, that they want a probationary period. I'm sure there must be other aspects that you don't want besides this probationary period, what are they?"

Mr. Bauer: "Last year I was one of three Democrats in the House Education Committee joining with seven Republicans to pass out a probationary bill—a three-year probationary period. There are some people in the House who feel that is very crucial to educational reform. That was not part of the Education Committee's version; that was not part of what fifteen out of eighteen members of the committee worked out. An effort was made in the Education Committee to put a one-year probation period on and we lost half the votes. What happened was that another amendment was made in the Education Committee to bypass the board like we're doing now when a teacher is up for a hearing. The objective of the bill was to require the board to hear the case and not allow the individual to bypass the board and go directly to court. That was the objective of the bill. In addition to that, we put in a process of evaluation—beefed it up considerably. Everyone agreed that was good, it did something about administrators and that was supposedly good. Then the question of probationary periods added on to that killed the bill in committee and killed it here too. The minute you put a one-year probationary period on that bill in this House by amendment, a whole big bunch of people ran off and voted for the bypass amendment, allowing the teacher to bypass the board. That destroyed the original intent of the legislation, which was to do just that one thing. I'm saying that if you add the probationary period, you lose the bill. If you take the House version that originally passed here, you lose it over there. That's why I'm saying that it is not destroying the system of education, as Representative Polk alluded that I might have inferred. I did not infer that this bill would destroy the education process; I inferred that this version will die right here and you will not have any of those goodies that we allude to that the public is screaming for—not a one."

Mr. Chandler spoke in favor of the bill.

POINT OF ORDER

Mr. Charette: "Representative Chandler has said if I bothered to read the bill—I have read it five times and upside down and I don't think that's very kind of him to ask that question."

The Speaker Pro Tem: "We discussed this whole question of decorum and the rules specifically state that you are supposed to avoid getting involved with personalities. I wish you would strictly adhere to the rules."

POINT OF ORDER

Mr. Polk: "Mr. Speaker, my point of order to Representative Charette's point of order is that it is clearly within the House rules that a member may quote another member on the floor of this House and Representative Charette has said the things I understood Representative Chandler to just be quoting him and parroting back what he had said."

The Speaker Pro Tem: "I would hope you would all be ladies and gentlemen and carry your discussions on a high level."

Mr. Chandler continued his remarks in favor of the motion to concur.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Hendricks.

Mr. Hendricks: "I don't know whether I have the accurate interpretation or the accurate bill that just passed the Senate yesterday, but one proviso was put in and this is in reference to a transfer of administrators, and I'm thinking now of principals, to subordinate certificated positions and the proviso reads as follows: '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. . . .' A reasonable interpretation would be that after three years then that state protection in the interest of the certificated employee is under the continuing contract law, but for the record could I ask you does that mean that principals do have tenure after three years probationary period?"

Mr. Bauer: "That's correct, they do have full tenure after that three years, but for the purpose of transfer for the first three years, they have no tenure."

Mr. Hendricks: "The word transfer refers to a change in status to a subordinate certificated position and not to transfer between schools or between districts? Is that correct?"

Mr. Bauer: "Any change of status that adversely affects the condition of his contract would be excluded for a three-year period. In other words, they get transferred anywhere within that district or transferred up or down in terms of salary and they would not have to show sufficient cause as they do now under the current law."

Mr. Hendricks spoke in favor of the motion to concur in the Senate amendments.

Mr. Pardini demanded an oral roll call in accordance with House Rule 69.

POINT OF ORDER

Mr. Thompson: "May a member demand an oral roll call when an electric roll call has been demanded and the requirement has been met?"

Mr. Bender demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives McCormick, Moreau, North and Smith (Rick).

MOTION

Mr. Thompson moved that the absent members be excused, and the House proceed with business under the Call of the House.

POINT OF PARLIAMENTARY INQUIRY

Mr. Hansey: "According to Rule 42, could you interpret that, that if eight members demand the absent members attend, they could so demand and if that is the case, would you give me the proper motion?"

The Speaker Pro Tem: "Why are you referring to Rule 42?"

Mr. Hansey: "The motion before us is to excuse the absent members and I'm asking under Point of Parliamentary Inquiry if eight members of this body may compel the attendance of the absent members?"

The Speaker Pro Tem: "In this case, this rule wouldn't apply because we have a quorum."

The motion to excuse the absent members was carried.

With the consent of the House, Mr. Pardini withdrew his demand for an oral roll call.

With the consent of the House, Mr. Bender withdrew his demand for an electric roll call.

Mr. Thompson demanded an oral roll call and the demand was sustained.

The Speaker Pro Tem stated the question before the House to be the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1364.

Mr. Douthwaite spoke against the motion.

POINT OF PARLIAMENTARY INQUIRY

Mr. Bauer: "Mr. Speaker, a yes vote here would mean that the House does concur with the Senate version and then the bill would be subjected to final passage immediately?"

The Speaker Pro Tem: "That's right, Representative Bauer."

Mr. Bauer: "And then if it does not receive fifty votes, the bill would be dead; is that correct?"

The Speaker Pro Tem: "That's correct."

Representatives Wilson and Peterson spoke in favor of the motion to concur, and Mr. Haussler spoke against it.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mrs. Hurley (Margaret).

Mrs. Hurley: "Representative Bauer, I think you understand that I, as well as most of us here on the floor, are gravely concerned over the various issues that are involved here relating to teachers. I myself, having been a teacher, feel that a one-year probationary period is sufficient and a three-year is rather punitive. You said to me that you would agree to a one-year probationary period; would you be willing to make that statement aloud and, hopefully, even stronger?"

Mr. Bauer: "Mrs. Hurley, you're a master at terminology. My comment was that I think what you ought to do if you want a probationary period is as Representative Newhouse did last year with some others—you ought to introduce a bill on a three-year probationary period, two-year, one-year or whatever and let that ride on its merits. Get a title only bill and put a one, two or three-year probationary period on it and bring it over and run it through the House and let it stand on its own merits. If it has the votes and it's a crucial issue then it will pass and there won't be any problem, but don't let that three-year probationary concept right here sink the ship and sink all these things people have been talking about funding. That's what the question is. I can't guarantee what will come out of conference committee, whether they will go for one year or two or three, but I doubt whether it will be three or two and maybe not even one. I have a hunch it will be like it came out of the House Education Committee, a bill that will pass both houses."

Mrs. Hayner spoke in favor of the motion, and Representatives Hurley (Margaret), Hurley (George) and Brown spoke against it.

Mr. Charette demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1364, and the motion was lost by the following vote: Yeas, 33; nays, 60; not voting, 4.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueling, Kalich, Leckenby, Lee, Matthews, Nelson, Newhouse, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Kuehnle, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, O'Brien, Osterman, Pardini, Paris, Parker, Perry, Randall, Sawyer, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives McCormick, Moreau, North, Smith R.

The Speaker Pro Tem stated that the House, by its action, refused to concur with the Senate amendments to Engrossed Substitute House Bill No. 1364, and asked the Senate to recede therefrom.

MOTION FOR RECONSIDERATION

Mr. Kuehnle, having voted on the prevailing side, moved that the House reconsider the vote by which the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1364.

Mr. Kuehnle spoke in favor of the motion.

POINT OF ORDER

Mr. May: "Representative Kuehnle is talking about the bill now on a motion to reconsider. I think he's out of order."

The Speaker Pro Tem: "Representative Kuehnle, the Speaker would like you to discuss the merits of the motion. I would like to state in part Rule 50, '... no member shall impugn the motive of any member's vote or argument.' Will you hold your remarks to the merits of whether or not the House should concur with the Senate amendments."

Mr. Kuehnle continued his remarks in favor of the motion for reconsideration.

POINT OF ORDER

Mr. Haussler: "Representative Kuehnle is wandering far afield. I think he is entirely off the subject."

The Speaker Pro Tem: "Representative Kuehnle, you have talked past your three minutes. Just close your arguments."

Mr. Kuehnle closed his remarks in favor of the motion.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Mr. Bauer spoke against the motion to reconsider.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1364, and the motion was lost by the following vote: Yeas, 32; nays, 61; not voting, 4.

Voting yea: Representatives Amen, Barnes, Berentson, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Jueling, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, O'Brien, Osterman, Paris, Parker, Perry, Randall, Sawyer, Seeberger, Sherman, Shipnuch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives McCormick, Moreau, North, Smith R.

MOTION FOR RECONSIDERATION

Mr. Fischer, having voted on the prevailing side, moved that the House now reconsider the vote by which House Concurrent Resolution No. 54 was not advanced to third reading.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Fischer, Reed's Rule 204 states in part, 'A motion to reconsider is not in order after action has been had by the assembly in consequence of the decision proposed to be reconsidered. For instance, a motion to commit cannot be reconsidered after the committee has taken the papers...' In this instance, the resolution failed to receive the necessary two-thirds vote and then it was passed to the Rules Committee. The motion to reconsider at this time would be out of order."

MESSAGE FROM THE SENATE

February 27, 1976

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on REENGROSSED HOUSE BILL NO. 971, and has passed the bill as amended by the Free Conference Committee, and said bill, together with the report of the Free Conference Committee, is herewith transmitted.

Sidney R. Snyder, Secretary.

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 as amended by the Senate, have had the same under consideration, and we recommend 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 matter 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 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 the 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, Woody; Representatives Randall, Sommers, Nelson.

MOTION

On motion of Mr. Randall, the House adopted the report of the Free Conference Committee.

Mr. Smith (Rick) appeared at the bar of the House.

FINAL PASSAGE OF HOUSE BILL AS AMENDED
BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Reengrossed House Bill No. 971 as amended by the Free Conference Committee.

Mr. Randall spoke in favor of passage of the bill.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 86; nays, 8; not voting, 3.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Leckenby, Lee, Lux, Lysen, Martinis, Mathews, Maxie, May, McKibbin, Nelson, Newhouse, O'Brien, Osterman, Pardini, Paris, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Charette, Conner, Hawkins, Laughlin, Moon, Parker, Smith E. P., Wojahn.

Not voting: Representatives McCormick, Moreau, North.

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.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:
HOUSE BILL NO. 971.

MOTIONS

On motion of Mr. Thompson, Representative Ceccarelli was excused from the Call of the House.

On motion of Mr. Thompson, further consideration of the bills on today's calendar was deferred, and the bills were ordered held for the calendar of the next working day.

The Speaker Pro Tem declared the House to be at ease.
The Speaker Pro Tem called the House to order.

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1976

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1310 with the following amendments:

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."

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 distrain 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."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Randall moved that the House do not concur in the Senate amendments to House Bill No. 1310.

MOTION

Mr. Pardini moved that the House adjourn until 10:00 a.m., Saturday, February 28, 1976.

ROLL CALL

The Clerk called the roll on the motion that the House adjourn until 10:00 a.m., Saturday, February 28, 1976, and the motion was lost by the following vote: Yeas, 39; nays, 51; not voting, 7.

Voting yea: Representatives Amen, Barnes, Bausch, Becker, Berentson, Chandler, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Freeman, Gaspard, Gilleland, Greengo, Haley, Hansey, Haussler, Hayner, Hendricks, Jastad, Kalich, Kuehnie, Leckenby, Lee, Lux, Matthews, Nelson, Newhouse, Pardini, Patterson, Peterson, Polk, Schumaker, Sherman, Tilly, Warnke, Whiteside, Wilson.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bender, Blair, Boldt, Brown, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Hanna, Hansen, Hawkins, Hurley G. S., Hurley M., Juelling, Kilbury, King, Knowles, Laughlin, Lysen, Martinis, Maxie, May, Moon, O'Brien, Osterman, Paris, Parker, Perry, Randall, Sawyer, Seeberger, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams, Wojahn.

Not voting: Representatives Bond, Ceccarelli, McCormick, McKibbin, Moreau, North, Zimmerman.

The Speaker Pro Tem stated the question before the House to be the motion that the House do not concur in the Senate amendments to House Bill No. 1310.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Peterson.

Mr. Peterson: "Representative Randall, I have in my hand an opinion of the Attorney General dealing with the issue that is being presented in this bill the Senate sent to us, and it is my understanding that if we do not extend the tax collection period or meet this period, we will not be able to provide a rollback to those school districts who have passed a special levy. Am I correct or incorrect?"

Mr. Randall: "You are correct."

Mr. Peterson spoke against the motion, and Representatives Randall, Tilly and Bagnariol spoke in favor of it.

MOTION

Mr. Pardini moved that the House do concur in the Senate amendments to House Bill No. 1310.

Representatives Pardini and Peterson spoke in favor of the motion.

POINT OF ORDER

Mr. Charette: "I believe Representative Peterson has spoken on the issue once, hasn't he?"

The Speaker Pro Tem: "He has spoken once on the motion not to concur and now apparently he is going to speak on the motion to concur."

Mr. Peterson continued his remarks in favor of the motion to concur, and Mr. Randall spoke against it.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to House Bill No. 1310, and the motion was lost by the following vote: Yeas, 34; nays, 57; not voting, 6.

Voting yea: Representatives Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Kalich, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Patterson, Peterson, Polk, Sawyer, Schumaker, Smith E. P., Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, O'Brien, Osterman, Parker, Randall, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Ceccarelli, McCormick, Moreau, North, Paris, Perry.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Monday, March 1, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FIFTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, March 1, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Eikenberry, Flanagan, Haley, Kilbury, Kuehnle, Parker, Seeberger and Smith (Rick). Representatives Flanagan, Haley and Kilbury were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Julie Hecker and Paul Gajewski. Prayer was offered by the Reverend George Mitchell of the First Christian Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE GOVERNOR

February 28, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise that on February 27, 1976, Governor Evans approved the following House Bills, entitled:

SECOND SUBSTITUTE HOUSE BILL NO. 721: Revising laws relating to county solid waste collection and disposal.

HOUSE BILL NO. 739: Establishing procedures for traveler's checks to be deemed unclaimed property.

HOUSE BILL NO. 1244: Authorizing coroners to provide corneal tissue from decedents to eyebanks under certain conditions.

Sincerely,
CHI-DOOH LI, Legal Counsel.

MESSAGES FROM THE SENATE

February 27, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 971,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

February 27, 1976

Mr. Speaker:

The Senate has passed:

REENGROSSED HOUSE BILL NO. 1404,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

February 27, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, and has passed the bill as recommended by the Conference Committee.

Bill Gleason, Assistant Secretary.

February 27, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 3026, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:
HOUSE BILL NO. 1266,
HOUSE BILL NO. 1404.

MOTION

On motion of Mr. Thompson, the House advanced to the eighth order of business.

The Speaker Pro Tem stated the question before the House to be the amendment to House Rule No. 26 as amended.

(For previous action, see Journal for Friday, February 27, 1976.)

On motion of Mr. King, the following amendments by Representatives King and Sommers to the amendment were adopted:

On line 4 of the amendment after "costs" and before "or" insert "to the system or systems"

On line 5 of the amendment after "impact" and before the comma insert "on the system or systems"

On line 6 after "rule." add a new sentence to read as follows: "PROVIDED FURTHER, That any amendments to such bill, joint or concurrent resolution which reduce the amount of savings to the system or systems shall be exempt from the provisions of this rule when an actuary has determined that the total effect of the bill as amended would result in a net reduction of costs to the system or systems."

The Speaker Pro Tem stated the question before the House to be adoption of the amendment as amended.

Ms. Sommers spoke in favor of the amendment as amended.

POINT OF INQUIRY

Ms. Sommers yielded to question by Mr. Amen.

Mr. Amen: "I'm wondering what happens—it says, '... an actuary has determined would reduce costs...' What if we get two or three different figures from different actuaries? Does this mean that an actuary would be hired by the legislature or how do you interpret that?"

Ms. Sommers: "All the actuarial estimates that I know of have been done by one actuary from a certified actuary in Seattle. If we would have actuarial studies that would differ not only in degree but if they would disagree as to whether one would save or cost money, then I would think we would have to start over again. I don't think we could tolerate that kind of a situation. If they differ a little bit in degree, I think that would be acceptable."

Mr. Amen: "If there is disagreement then would they come back and say there would be an actuary hired by the legislature?"

Ms. Sommers: "If we have one certified actuary who says this provision is going to cost more money and another certified actuary who says this provision is going to save money, then I think we'd better look for a third actuary. That kind of statistical difference should not happen. It is possible that one could say this will save .38% of salary and the other might say it would save .39% of salary and that to me would be an acceptable difference."

Representatives King, Blair and Warnke spoke in favor of the amendment as amended, and Representatives Curtis, Newhouse and Pardini spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment as amended to House Rule 26, and the amendment was not adopted by the following vote: Yeas, 44; nays, 45; not voting, 8.

Voting yea: Representatives Bagnariol, Barnes, Bauer, Becker, Bender, Blair, Brown, Ceccarelli, Charnley, Clemente, Cochrane, Douthwaite, Ehlers, Eng, Erickson, Gaines, Gallagher, Gilleland, Hanna, Haussier, Hawkins, Hurley G. S., Jastad, King, Knowles, Laughlin, Lux, Lysen, May, Moon, Nelson, Newhouse, O'Brien, Osterman, Paris, Perry, Randall, Sherman, Shipoch, Sommers, Thompson, Valle, Warnke, Williams.

Voting nay: Representatives Adams, Amen, Bausch, Berentson, Boldt, Bond, Chandler, Charette, Conner, Curtis, Deccio, Dunlap, Fischer, Fortson, Freeman, Gaspard, Greengo, Hansen, Hansey, Hayner, Hendricks, Hurley M., Juelling, Kalich, Leckenby, Lee, Martinis, Matthews, Maxie, McCormick, McKibbin, Moreau, North, Pardini, Patterson, Peterson, Polk, Sawyer, Schumaker, Smith E. P., Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Eikenberry, Flanagan, Haley, Kilbury, Kuehnle, Parker, Seeberger, Smith R.

Mr. Polk moved adoption of the following amendment to House Rule 25:

On line 5 of Rule 25 after "are" strike "committee bills" and insert "proposed by a standing committee or by a joint statutory legislative committee"

Representatives Polk, Curtis and Patterson spoke in favor of the amendment, and Representatives Thompson, Moon and Perry spoke against it.

Mr. Polk closed debate, speaking again in favor of the amendment.

POINT OF PARLIAMENTARY INQUIRY

Mr. Charette: "Does it take fifty votes to change the rules?"

The Speaker Pro Tem: "Yes, it does, a majority of the members elected."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Polk to House Rule 25, and the amendment was not adopted by the following vote: Yeas, 25; nays, 63; not voting, 8.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Curtis, Deccio, Dunlap, Eikenberry, Freeman, Gilleland, Greengo, Hansen, Hansey, Hayner, Jueling, Leckenby, Matthews, Nelson, Pardini, Paris, Patterson, Polk, Schumaker, Whiteside.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, King, Knowles, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Osterman, Perry, Peterson, Randall, Sawyer, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wilson, Wojahn.

Not voting: Representatives Flanagan, Haley, Kilbury, Kuehnle, Parker, Seeberger, Smith R., Zimmerman.

STATEMENT FOR THE JOURNAL

I intended to vote against the rule change to House Rule 25, but my vote did not record.
HAROLD S. ZIMMERMAN, 17th District.

MOTION

On motion of Mr. Thompson, the House reverted to the sixth order of business.

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.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3040 was placed on final passage.

Mr. Shinpoch spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3040, and the bill passed the House by the following vote: Yeas, 87; nays, 2; not voting, 8.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Matthews, Moon.

Not voting: Representatives Flanagan, Haley, Kilbury, Kuehnle, May, Parker, Seeberger, Smith R.

Senate Bill No. 3040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 3149, by Senator Walgren:

Increasing funding of the state toxicological laboratory and directing a percentage increase for such funding each biennium.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3149 was placed on final passage.

Mr. Shinpoch spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Patterson.

Mr. Patterson: "Representative Shinpoch, I notice the word 'may' has been changed to 'shall' which leads me to wonder whether or not there is any control over what those salaries shall be other than the amount of money that you are establishing here. In other words, does that give an authority to the laboratory to go ahead and expand depending on what requirements they might have as far as personnel to operate the lab is concerned? Of course, it says that it shall fund the personnel, and I'm just trying to get a handle on the expenditure in the future because I think we can continue to dilute these funds to the point where there will not be substantial amounts available for the original purpose and I think many of us here know what the original purposes were and I just wanted to get your thoughts on that."

Mr. Shinpoch: "Would you tell me what your question is?"

Mr. Patterson: "My question is, when you change from 'may' to 'shall' you are then directing that they shall fund the salaries and wages and fringe benefits of those who operate the laboratory, is that right? I would like to know where that money came from before it was required that it be funded this way."

Mr. Shinpoch: "The history of the request comes from the prosecutors in the county. This is the lab that does all of the lab work on all crimes on all the specimens sent in by the prosecutors from all the county offices of the state. The problem that apparently existed in this is that they are getting to the point where the increases in salaries and the limitation on the \$100,000 no longer funded them to the extent that they—well, they had to lay off one person. I understand they only have about two or three people there. The flow time got so long that it was no longer a feasible type thing in order to meet the court edicts of a speedy trial and have the evidence back from the lab. They—the prosecutors—asked to have this bill submitted which, in effect, gives them more money and gives them (when we changed from 'may' to 'shall') a permanent funding source to provide those kinds of laboratory facilities and to run those kinds of tests for the prosecutors in the state."

Mr. Patterson: "When you say, by law this is the way you are going to fund a laboratory of this nature, and as is admitted by yourself, Representative Shinpoch, you reach a point sometime in the future where you are eroding the original intent of the money that is being generated here to the point where it's all going into that one area, and I'm just wondering where we put the limitation on the expansion of the laboratory for this purpose? In other words, every time they say there is a need for it, I guess they get it and that further erodes the money."

Mr. Shinpoch: "That could be true. We had a little problem during the hearing—and I recognize that it wasn't really our role in life—but we had a little problem finding out what was happening to the other \$900,000. No one would tell us or give us any results of that one million dollars that goes into the University of Washington every year that they have done anything toward reducing alcoholism, that they have made any breakthroughs. We were having some problems making some priority judgments of our own relative to the committee, but we couldn't find out whether they were doing anything with the one million dollars other than providing possibly some employment for someone. We assumed that there must be some good being done somewhere, but we really didn't find any evidence of that, or at least the people that were there were not able to tell us such."

Mr. Patterson: "The University didn't submit any information on the research work they were doing in those areas?"

Mr. Shinpoch: "No."

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Dunlap.

Mr. Dunlap: "In the digest of this bill I note that it talks about a percentage increase for such funding being directed each biennium. In reading the bill I am unable to detect any such percentage increase. Could you comment on that please?"

Mr. Shinpoch: "There is no percentage increase. Originally the bill read that there would be \$25,000 for the lab for equipment and \$100,000 for salaries; the language was struck relative to the equipment, and the salaries were increased from \$100,000 to \$150,000. The word that left it 'may,' that permissive language that changed to 'shall,' which makes it mandatory language, says that there will be, out of the million dollars the University of Washington gets, \$150,000 used for this lab and there is no percentage increase on an ongoing basis. In order to get that \$150,000 changed they must come back to the legislature as I read the bill."

Mrs. Hayner spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3149, and the bill passed the House by the following vote: Yeas, 87; nays, 5; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Chandler, Clemente, Dunlap, Matthews, Patterson.

Not voting: Representatives Flanagan, Haley, Kilbury, Kuehnle, Parker.

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.

HOUSE BILL NO. 1505, by Representatives Lysen, Hawkins, Ehlers and Fortson:

Permitting late property tax exemption applications.

The bill was read the second time.

On motion of Mr. Randall, the following amendment was adopted:

Beginning on page 1, line 30 with "as" strike all material down to and including "1976" on page 2, line 1 and insert "but which did not receive exemption for 1976 taxes because of failure to make such filing by March 31, 1975"

House Bill No. 1505 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1505 was placed on final passage.

Mr. Randall spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1505, and the bill passed the House by the following vote: Yeas, 91; nays, 0; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Flanagan, Haley, Kilbury, Kuehnle, Parker, Patterson.

Engrossed House Bill No. 1505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Newhouse moved that the State Government Committee be relieved of HOUSE BILL NO. 1576, and that it be placed on the second reading calendar.

Representatives Newhouse and Eikenberry spoke in favor of the motion, and Ms. Sommers spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Representatives Pardini, Brown and Paris spoke in favor of the motion, and Representatives King, Douthwaite and Hawkins spoke against it.

MOTION

Mr. Pardini moved that the rules be suspended to allow Representative Eikenberry to close debate on behalf of the motion by Representative Newhouse.

Mr. Thompson spoke against the motion.

POINT OF ORDER

Mr. Polk: "Mr. Speaker, the motion before the House is the motion to suspend the rules to allow one member to make closing arguments on behalf of another member's motion. The representative who is speaking now is talking to the main issue and attempting to defend various chairmen and other people against various remarks that have been made."

The Speaker Pro Tem: "The Speaker would like to draw the line. Of course, you recognize that debate has been wide open on this whole issue. You have all been wandering around and con and calling each other shameful, etc. Proceed, Representative Thompson."

Mr. Thompson continued his remarks against the motion, and Mr. Pardini spoke in favor of it.

POINT OF ORDER

Ms. Cochrane: "This bill is not before us in our billbooks and it is my understanding that in order for a bill to be discussed it should be before us."

The Speaker Pro Tem: "The question before the House right now, Representative Cochrane, is the motion to suspend the rules. The bill is still in the State Government Committee."

The Speaker Pro Tem stated the question before the House to be the motion to suspend the rules to allow Representative Eikenberry to close debate on the motion to relieve the Committee on State Government of House Bill No. 1576.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules to allow Representative Eikenberry to close debate on the motion by Representative Newhouse, and the motion was lost by the following vote: Yeas, 39; nays, 52; not voting, 6.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Freeman, Gilleland, Greengo, Hansey, Hayner, Hendricks, Hurley M., Jueling, King, Kuehnie, Laughlin, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Valle, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Knowles, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Perry, Randall, Seeburger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Warnke, Williams, Wojahn.

Not voting: Representatives Flanagan, Haley, Kalich, Kilbury, Parker, Sawyer.

The Speaker Pro Tem stated the question before the House to be the motion to relieve the State Government Committee of House Bill No. 1576 and place it on the second reading calendar.

Mr. Newhouse closed debate, speaking in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion to relieve the Committee on State Government of House Bill No. 1576 and place it on the second reading calendar, and the motion was lost by the following vote: Yeas, 36; nays, 56; not voting, 5.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Freeman, Gaines, Gilleland, Greengo, Hansey, Hayner, Hendricks, Juelling, Kuehnle, Laughlin, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, King, Knowles, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Perry, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Flanagan, Haley, Kilbury, McCormick, Parker.

MOTION FOR RECONSIDERATION

Mr. Bond, having voted on the prevailing side, moved that the House reconsider the vote by which the amended amendment to House Rule 26 failed to pass the House.

POINT OF ORDER

Mr. Pardini: "Mr. Speaker, I see no provision in the House rules that a motion to change the rules or a proposal to change the rules can be reconsidered by the body. The House rules address themselves only to bills and amendments. I find that the rule change does not fall in that category."

The Speaker Pro Tem: "On what basis do you make your assumption?"

Mr. Pardini: "A very thorough analysis of the rules which make no mention of rule changes."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Reed's Rule 204 states in part, 'A motion to reconsider is applicable to almost all motions. The exceptions are, the motion to adjourn, to lay on the table when decided in the affirmative, suspension of rules, and the motion to reconsider itself.' It would appear that the motion by Representative Bond is in order."

Mr. Pardini: "My argument is that a proposed rule change is not a motion and does not fall under Reed's 204."

The Speaker Pro Tem: "To amend the rules requires a motion."

Representatives Bond, Kuehnle, Sommers, King and Newhouse spoke in favor of the motion to reconsider, and Representatives Curtis and Pardini spoke against it.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which the amended amendment to House Rule 26 failed to pass the House, and the motion was carried by the following vote: Yeas, 61; nays, 30; not voting, 6.

Voting yea: Representatives Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Freeman, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Jastad, Juelling, King, Kuehnle, Laughlin, Lux, Lysen, Maxie, McKibbin, Newhouse, O'Brien, Osterman, Paris, Patterson, Perry, Peterson, Polk, Randall, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Adams, Amen, Bausch, Boldt, Charette, Conner, Curtis, Dunlap, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hendricks, Hurley M., Kalich, Knowles, Leckenby, Lee, Martinis, Matthews, May, McCormick, Moon, North, Pardini, Sawyer, Schumaker, Smith E. P., Wojahn.

Not voting: Representatives Flanagan, Haley, Kilbury, Moreau, Nelson, Parker.

The Speaker Pro Tem stated the question before the House to be adoption of the amendment as amended to House Rule 26.

Ms. Sommers spoke in favor of the amended amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment as amended to House Rule 26, and the amendment as amended was adopted by the following vote: Yeas, 60; nays, 28; not voting, 9.

Voting yea: Representatives Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charnley, Clemente, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Freeman, Gaines, Gilleland, Greengo, Hanna, Hansen, Haussler, Hayner, Hurley G. S., King, Knowles, Kuehnle,

Laughlin, Lux, Lysen, Matthews, Maxie, McKibbin, Moon, Newhouse, O'Brien, Osterman, Paris, Patterson, Perry, Peterson, Polk, Randall, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Adams, Amen, Bausch, Chandler, Charette, Conner, Curtis, Dunlap, Fischer, Fortson, Gallagher, Gaspard, Hansey, Hendricks, Hurley M., Jastad, Kalich, Leckenby, Lee, Martinis, May, McCormick, North, Pardini, Sawyer, Schumaker, Smith E. P., Wojahn.

Not voting: Representatives Cochrane, Flanagan, Haley, Hawkins, Jueling, Kilbury, Moreau, Nelson, Parker.

Mr. Polk moved adoption of the following amendment to the House rules:

BE IT RESOLVED, By the House of Representatives, that the rules of the House of Representatives of the forty-fourth legislative session be amended by the addition of the following new rule:

"Rule 83. It shall be the duty of the rules committee to make a determination of whether or not each bill referred to such committee constitutes major legislation.

Upon a determination that a bill constitutes major legislation, the rules committee shall place such bill on the calendar for consideration by the House of Representatives at an hour, day and date certain."

Remember the remaining rules consecutively.

POINT OF ORDER

Mr. Charnley: "I would suggest that this is not appropriate to the body; we are not on that order of business to consider that motion."

Mr. Polk: "Mr. Speaker, we were just voting on an amendment to Rule 26 so I submit that if we were on an appropriate order of business to work that particular motion then we are on an appropriate order of business to deal with a rule change to Rule 83."

MOTION

Mr. Thompson moved that the House now consider Engrossed Substitute Senate Bill No. 3172 on second reading.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Your point is pretty well taken, Representative Charnley. We have been considering amendments to our rules under the eighth order of business—floor resolutions and motions. What happened in the instant case is that Representative Bond moved to reconsider the vote relative to the amendment to House Rule 26, and a motion to reconsider is in order at any time. This is the reason why we recognized Representative Bond's motion."

Mr. Polk: "Mr. Speaker, I understand you can make the motion for reconsideration at any time, but does it not then place the matter under consideration, if it carries, back to its original position and therefore would either place us in the eighth order of business or conversely, it would have to wait until the eighth of business before you could actually consider it? Since we did, in fact, go to consideration of the matter, we had assumed we were back in the same position that we were previously when we had considered the amendment to Rule 26, the eighth order of business."

The Speaker Pro Tem: "It has been a custom, Representative Polk, that when a motion to reconsider carries, it brings the main question right back where it was before the House acted on it and therefore we just follow one step further and consider the main question right after the motion to reconsider carries."

Mr. Polk: "Mr. Speaker, under Rule 71, where it says, '... its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.' The logic of your interpretation appears to me to place the body in the eighth order of business."

The Speaker Pro Tem: "House Rule 71 doesn't apply in this case. House Rule 71 applies to final passage of bills and the motion to reconsider on the date the vote was taken. It isn't applicable to the question at hand."

Mr. Polk: "Mr. Speaker, does that mean there is no rule to cover reconsideration of House rules?"

The Speaker Pro Tem: "I wouldn't say that; it's up to the judgment of the Speaker."

The motion by Representative Thompson to place Engrossed Substitute Senate Bill No. 3172 for immediate consideration on the second reading calendar carried.

ENGROSSED 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 bill was read the second time.

Committee on Transportation and Utilities recommendation: Majority, do pass as amended. (For amendment, see Journal, Fifty-third Day, 2nd ex. sess., February 26, 1976.)

Mr. Perry moved adoption of the committee amendment.

MOTION

Mr. Amen moved that further consideration of Engrossed Substitute Senate Bill No. 3172 be deferred, and that the bill be placed on tomorrow's second reading calendar.

Representatives Amen and Eikenberry spoke in favor of the motion, and Representatives Perry and Thompson spoke against it.

The motion was lost.

MOTION

On motion of Mr. Thompson, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The House was called to order at 2:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Flanagan, Haley, Kilbury and Nelson. Representatives Flanagan, Haley and Kilbury were excused.

MESSAGE FROM THE SENATE

March 1, 1976

Mr. Speaker:

The Senate refuses to recede from its amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, and asks the House for a conference thereon, and the President has appointed as Senate conferees: Senators Stortini, Beck, Clarke.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Bauer, the House granted the request of the Senate for a conference on Engrossed Substitute House Bill No. 1364.

APPOINTMENT OF CONFEREES

The Speaker Pro Tem appointed Representatives Bauer, Clemente and Hayner as conferees on Engrossed Substitute House Bill No. 1364.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1976

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL No. 1345 with the following amendments:

On page 1, line 1 of the title after "education" strike everything down to the semicolon 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 page 1, after the enacting clause strike all the material and insert 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, writing, 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, every school district is encouraged to test pupils in grade two 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, reading, writing 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." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Bauer moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 1345, and ask the Senate for a conference thereon.

Representatives Bauer and Hayner spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker Pro Tem appointed Representatives Bauer, Bender and Dunlap as conferees on Engrossed Substitute House Bill No. 1345.

MESSAGE FROM THE SENATE

February 27, 1976

Mr. Speaker:

The Senate refuses to concur in the House amendments to REENGROSSED SENATE BILL NO. 3038, and asks the House to recede therefrom, and said bill, together with the House amendments thereto, is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Bauer, the House refused to recede from its amendments to Reengrossed Senate Bill No. 3038, and asked the Senate for a conference thereon.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3172:

The House resumed consideration of the bill on second reading.

The Speaker Pro Tem stated the question before the House to be the committee amendment.

Mr. Charnley moved adoption of the following amendment by Representatives Charnley, Lee, Perry, Zimmerman and Sommers to the committee amendment:

Beginning on page 2, line 12 strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. (1) There is hereby created an energy advisory council consisting of thirteen members who shall be appointed by the governor, with the consent of the senate. In addition to the chairperson, membership on the council shall consist of:

(a) Four members appointed 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.

(b) Four members whose combined experience and training reflect the multi-disciplinary expertise required to address effectively energy problems and policy issues.

(c) Four members representing the public at large.

(2) No person appointed to the council under subsections (b) and (c) of subsection (1) 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 those initial terms as follows: One of the initial terms of members appointed under each of the three subsections (a), (b), and (c) of subsection (1) of this section shall expire on January 15, 1977, one on January 15, 1978, and one on January 15, 1979.

(5) The term of the chairperson shall be for four years.

(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. Seven 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.

(7) 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."

Representatives Charnley, Perry, Lee and Williams spoke in favor of the amendment, and Representatives Berentson, Martinis, Hansen and Bond spoke against it.

POINT OF INQUIRY

Mr. Berentson yielded to question by Mr. Curtis.

Mr. Curtis: "I've been trying to compare the language of this with the proposed amendment, and I'm a little stumped by the language of the bill as it now exists. What was the committee's thinking—it allows the President of the Senate to appoint three members and the Speaker to appoint three and yet it divides those—two, two and then another two. They are precluded from being members of the legislature by subsection (3); they are precluded from being direct employees in the industry, so to speak, and subsection (e) says that only one each—one Senate, one House—shall represent consumers. What are the other four—two each from each House—supposed to be then, and why is it worded this way? Why didn't you just put them all in one and appoint three each?"

Mr. Berentson: "I think the reason was that the two appointed by the Senate and the House just specifies that they shouldn't represent the residential consumer and along with that two additional people would be appointed by the House and two by the Senate and they could be consumer advocates actually. What I would point out is that contrary to some of the statements that have been made, with the eleven-member advisory council, it's very possible that you could have—in fact you would have—citizen input with six of those eleven. As far as whether the legislature should appoint or the Governor should appoint, I think that this was an effort on the part of the Senate to get a little better legislative handle on this. I think in many cases in the past some of the things we have done we have been disappointed with—maybe with the balance in some of the councils that we've seen in the past. I think this is perfectly adequate; it's six to eleven people that are not directly involved with the energy industry."

Representatives Curtis and Douthwaite spoke in favor of the amendment to the committee amendment.

Mr. Charette demanded the previous question, and the demand was sustained.

Mr. Charnley closed debate, speaking again in favor of the amendment.

Mr. Hansey demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Charnley and others to the committee amendment to Engrossed Substitute Senate Bill No. 3172, and the amendment was not adopted by the following vote: Yeas, 44; nays, 49; not voting, 4.

Voting yea: Representatives Barnes, Bauer, Becker, Bender, Blair, Boldt, Brown, Chandler, Charnley, Clemente, Cochrane, Curtis, Douthwaite, Ehlers, Eng, Erickson, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., King, Lee, Lux, Lysen, May, McKibbin, Moon, Osterman, Paris, Perry, Peterson, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams, Zimmerman.

Voting nay: Representatives Adams, Amen, Bagnariol, Bausch, Berentson, Bond, Ceccarelli, Charette, Conner, Deccio, Dunlap, Eikenberry, Fischer, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Hansen, Hansey, Hayner, Hurley M., Jastad, Juelling, Kalich, Knowles, Kuehnle, Laughlin, Leckenby, Martinis, Matthews, Maxie, McCormick, Moreau, Newhouse, North, O'Brien, Pardini, Parker, Patterson, Polk, Sawyer, Schumaker, Tilly, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Flanagan, Haley, Kilbury, Nelson.

Mr. Charnley moved adoption of the following amendment to the committee amendment:

On page 8, line 4 after "PROVIDED," strike all material down to and including "FURTHER," on line 8.

Representatives Charnley and Berentson spoke in favor of the amendment to the committee amendment.

POINT OF INQUIRY

Mr. Charnley yielded to question by Mr. Patterson.

Mr. Patterson: "As I am reading on page 7, it is the power of the Governor to declare an emergency under current emergency powers, right? Then, of course, in implementing whatever action they decide would be necessary, if you strike the council that has been established to draw up these plans and discuss well in advance as to what direction they want to go in the event this happens or in the event that happens, utilizing the expertise that is provided in the bill, I am wondering if you aren't really putting the Governor out in a position of maybe overriding his best technical expertise in making that decision? It would seem unreasonable to me that if you set up this advisory council that he would choose to go contrary to what their recommendations would be. If you strike this out, then there is no reference at all, is there?"

Mr. Charnley: "I guess you and I are speaking from the opposite extremes as to what might happen and I guess my response would be partly that anything is possible, but I would suggest that with the language out, if he were still to go against the public recommendation of his council—and there is no question in my mind that the council would make that recommendation and it would be made public and the people would be aware of what was proposed—and he went against them, that again the consequences of that would be a pretty heavy thing and a pretty negative thing for him to do. I still think it's reasonable that the Governor have the total authority where he does need it and I think that is the overriding question here. I guess I just do not fear the suggestion that you have that he would recklessly disregard the group that he has appointed or had a hand in appointing, that he would not follow their suggestions."

Mr. Patterson: "I'm concerned that if we don't have language in the bill that makes reference to the fact that the Governor should use this advisory council, then I would have to agree with the recommendation of Representative Hansen, that maybe we don't need a council. I see absolutely nothing wrong with saying in this piece of legislation that once an emergency has been declared that you carry out the plans that this body has devised. They must have discussed it and established certain procedures that would be followed. The priorities would be used. I think that is what they should do. I think we should speak directly to the advisory council in the bill itself and what their powers and what their recommendations should be."

Mr. Charnley: "On page 5, line 25, it says, 'In a declared state of energy supply alert, the governor may, upon recommendation or approval of the energy advisory council, implement such programs, . . . suspend and modify existing pollution controls. . . and establish and implement regional programs. . . .' I think the language is in the bill that would deal with the question you brought up."

The amendment to the committee amendment was adopted.

On motion of Mr. Charnley, the following amendment to the committee amendment was adopted:

On page 9, line 33 after "proclamation" strike everything down to and including "act" on line 37.

Mr. Eikenberry moved adoption of the following amendment to the committee amendment:

On page 4, line 44 strike "may" and insert "will, in the expectable course of events"

Mr. Eikenberry spoke in favor of the amendment, and Mr. Perry spoke against it.

Mr. Eikenberry again spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Eikenberry yielded to question by Mr. Berentson.

Mr. Berentson: "On page 8, line 8 there's a proviso, and not having a legal mind I was just wondering if this might in effect, affect what you are attempting to do, where it says, '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.' Does that mean to you that the Governor is off the hook, so to speak, as far as the suggestion that he could be, with the severity of your amendment, legally bound or in the position of possibly being sued if it were as harsh as you suggest?"

Mr. Eikenberry: "I think you've raised a good point in suggesting that this language and other language in the committee amendment does provide for means of terminating the state of alert after it has been called by the Governor, including the power of the legislature to revoke the calling of the alert. As to the relationship to the Governor and any potential litigant, I don't see the effect you suggest, but I do maintain, nevertheless, that the language I am submitting to the body is certainly not unreasonable. In fact, it is reasonable for the Governor to meet before he invokes a state of alert."

Mr. Berentson spoke in favor of the amendment, and it was adopted.

Mr. Berentson moved adoption of the following amendment by Representatives Berentson, Pardini and Hansen to the committee amendment:

On page 14, line 1 strike subsection (c).

Mr. Berentson spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Berentson yielded to question by Mr. Douthwaite.

Mr. Douthwaite: "I take it that if we strike that language which includes only those very high voltage transmission lines—if you strike that and you are silent on the issue of transmission lines—then are they included under the transmission facility or are they excluded?"

Mr. Berentson: "In my judgment, these would be covered under the present definition of associated facilities. You are basically not talking here about any new lines; at most you would possibly be connecting a new facility to an existing transmission line. The amendment itself speaks of up to fifteen miles."

Mr. Douthwaite: "Are the facilities, including transmission lines, limited in terms of their length? I notice on page 13, line 23—I think the answer is no."

Mr. Berentson: "The indication there is up to fifteen miles, I believe."

Mr. Douthwaite: "The fifteen-mile limitation is what you are striking if we adopt this amendment. I assume then that it means that the rest of the transmission lines, the long ones, are included?"

Mr. Berentson: "Yes."

Mr. Perry spoke in favor of the amendment to the committee amendment and it was adopted.

On motion of Mr. Perry, the following amendment to the committee amendment was adopted:

On page 25 of the amendment, line 36 after "sess." and before "and" insert ", section 162, chapter 34, Laws of 1975-'76 2nd ex. sess."

Mr. Perry moved adoption of the following amendment by Representatives Perry, McKibbin and Sommers to the committee amendment:

On page 25, beginning on line 33 strike all of section 31 and insert the following new sections:

"NEW SECTION. Sec. 31. 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. 32. 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 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. 33. 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) "Energy facility" means a facility which extracts, converts, transports, or stores any energy resource;

(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) "Director" means the director of the state energy office;

(5) "Council" shall mean the energy advisory council created in section 3 of this 1976 amendatory act; and

(6) "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. 34. 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 42 of this 1976 amendatory act.

NEW SECTION. Sec. 35. 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, disseminate, and monitor voluntary conservation plans for use by government, industry, and individual citizens;

(5) To prepare with the advice of 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 represent 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 represent 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.

NEW SECTION. Sec. 36. In addition to the duties prescribed in section 35 of this 1976 amendatory act, the state energy office shall have the authority to:

(1) 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 resources;

(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.

(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, operations, and other activities beneficial to the state of Washington.

NEW SECTION. Sec. 37. In addition to the duties prescribed in sections 35 and 36 of this 1976 amendatory act, the director shall have the authority to 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:

(1) Sales volume;

(2) Forecasts of energy requirements; and

(3) 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 willfully 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 section 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.

NEW SECTION. Sec. 38. In addition to the duties and functions assigned by sections 35, 36, and 37 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.

NEW SECTION. Sec. 39. (1) The director shall not, either during or for a period of two years subsequent to his tenure as director, maintain any relationship to any person engaged in the sale or production of energy resources, or to any person engaged in the construction or manufacture of energy facilities, which in the judgment of prudent persons would adversely affect his or her objectivity, judgment, or ability to perform the duties of office in a manner consistent with the public interest.

(2) A relationship which per se is deemed to have the adverse effects described in subsection (1) of this section includes, but is not limited to:

(a) An employer-employee relationship, whether the employment of the director be on a continuous or fee-for-service basis; or

(b) Ownership, management, or control of a significant financial interest by the director in an enterprise described in this section.

(3) Employment of any individual in violation of subsections (1) and (2) of this section shall be grounds for the revocation of any license or permit issued by the state or any agency thereof and held by the person that employs such individual.

(4) The provisions of this section shall be deemed supplemental to and not in conflict with the provisions of chapter 42.18 RCW. The remedies and penalties provided by RCW 42.18.260 through 42.18.300, as now or hereafter amended, shall apply to violations of this section.

NEW SECTION. Sec. 40. (1) All state officers and agencies shall cooperate fully with the state energy office to carry out the purposes of this chapter.

(2) All agencies shall consider the policies and findings stated in this chapter in adopting or modifying their rules and policies.

(3) All agencies shall review their rules and policies to determine their consistency with the policies and findings stated in this chapter.

(4) (a) By January 1, 1977, each state agency shall submit to the state energy office a report that identifies the rules and policies of the agency that are consistent and inconsistent with the policies and findings stated in this chapter and that indicates the reasons for the inconsistencies. This report shall be submitted in such form as the director may require.

(b) As used in this subsection, "state agency" means any state board, commission, department, or division thereof, or officer authorized by law to make rules or to issue orders, except those in the legislative and judicial branches.

NEW SECTION. Sec. 41. The council shall have the following duties in addition to those prescribed in section 4 of this 1976 amendatory act:

(1) To advise, monitor, and review the 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.

NEW SECTION. Sec. 42. 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. 43. 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 are each amended to read as follows:

The department of commerce and economic development shall be organized into divisions, including (1) the industrial development division, (2) the tourist promotion division, (3) the research division, (4) ~~((the nuclear energy development division, to be known as the "office of nuclear energy development,"~~ (5)) the foreign trade division, to be known as the "office of foreign trade," and others as required.

The director of commerce and economic development may appoint such division supervisors, managers, or executive directors, and clerical supervisors and other assistants as may be necessary for the general administration of the department.

Sec. 44. 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))~~ implementation of the energy policies of this state. 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))~~ implementation of the energy policies of the state.

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))~~ (4) 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))~~ (5) 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. 45. 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 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. 46. 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 and uses 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. 47. 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. 48. The following acts or parts of acts are hereby repealed:

- (1) Section 1, chapter 10, Laws of 1965 and RCW 43.31.280;
- (2) Section 3, chapter 10, Laws of 1965 and RCW 43.31.290;
- (3) Section 8, chapter 10, Laws of 1965 and RCW 43.31.310;
- (4) Section 9, chapter 10, Laws of 1965 and RCW 43.31.320;
- (5) Section 7, chapter 10, Laws of 1965 and RCW 43.31.330;
- (6) Section 4, chapter 207, Laws of 1961, section 4, chapter 10, Laws of 1965 and RCW 70.98.040; and
- (7) 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.

NEW SECTION. Sec. 49. Sections 31 through 41 of this 1976 amendatory act shall constitute a new chapter in Title 43 RCW."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Perry, McKibbin and Sommers spoke in favor of the amendment, and Representatives Berentson, Wilson, Bond, Martinis and Lee spoke against it.

Mr. Charnley demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Perry, McKibbin and Sommers to the committee amendment to Engrossed Substitute Senate Bill No. 3172, and the amendment was not adopted by the following vote: Yeas, 45; nays, 48; not voting, 4.

Voting yea: Representatives Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., King, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, O'Brien, Osterman, Pardini, Perry, Peterson, Randall, Seeburger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams, Zimmerman.

Voting nay: Representatives Adams, Amen, Bagnariol, Barnes, Berentson, Bond, Ceccarelli, Chandler, Charette, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Hansen, Hansey, Hayner, Hurley M., Jastad, Juelling, Kalich, Knowles, Laughlin, Leckenby, Lee, Martinis, Matthews, McCormick, Nelson, Newhouse, North, Paris, Parker, Patterson, Polk, Sawyer, Schumaker, Tilly, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Flanagan, Haley, Kilbury, Kuehne.

Mr. Douthwaite moved adoption of the following amendment to the committee amendment:

On page 3, line 33 insert a new subsection to read as follows:

"(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."

Renumber the remaining subsections consecutively.

Mr. Douthwaite spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Douthwaite yielded to question by Ms. Lee.

Ms. Lee: "You mentioned on the very last line the way in which vacancies shall be filled. You say, 'Vacancies shall be filled by appointments for the unexpired term.' And yet there are at least three different ways of appointing these members by different groups, the Governor, the Senate, and so on in the preceding section. Does this seem ambiguous to you? Do you mean in the same way in which they have previously been appointed or just by the Governor or what is your intent?"

Mr. Douthwaite: "I do mean that they be appointed the same way they were appointed the first time, but I didn't want to take another paragraph to spell that out. I thought it would be understood."

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

Mr. Perry moved adoption of the committee amendment to the title.

On motion of Mr. Perry, the following amendment to the committee amendment to the title was adopted:

On page 27 of the committee amendment to the title, line 9, after "sess." and before "and" insert ", section 162, chapter 34, Laws of 1975-'76 2nd ex. sess."

The committee amendment to the title as amended was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Substitute Senate Bill No. 3172 as amended by the House was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 3172 as amended by the House, and the bill passed the House by the following vote: Yeas, 85; nays, 8; not voting, 4.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Bond, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipnosh, Smith E. P., Smith R., Sommers, Thompson, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Berentson, Blair, Brown, Dunlap, Hayner, Valle, Warnke, Williams.

Not voting: Representatives Flanagan, Haley, Kilbury, Kuehnle.

Engrossed Substitute Senate Bill No. 3172 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 SENATE

March 1, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 3003,
SENATE BILL NO. 3032,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SUBSTITUTE SENATE BILL NO. 3003,
SENATE BILL NO. 3032.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORT OF STANDING COMMITTEE

February 27, 1976

ENGROSSED SENATE BILL NO. 3261, Prime Sponsor: Senator Rasmussen, relating to state government. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 16 after "game commission," insert "council on post-secondary education,"
On page 3, line 28 after "service" strike "; (((" and insert "(("

Signed by Representatives Hawkins, Chairman; Fortson, Vice Chairwoman; Erickson, King, Knowles, Osterman, Sherman, Tilly.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House adjourned until 9:30 a.m., Tuesday, March 2, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FIFTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, March 2, 1976.

The House was called to order at 9:30 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Adams, Eng, Flanagan, Freeman, Kilbury, Matthews, Pardini, Parker, Patterson, Polk and Sawyer. Representatives Flanagan, Kilbury and Pardini were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Debbie Workman and Robert Brouillard. Prayer was offered by the Reverend George Mitchell of the First Christian Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE GOVERNOR

March 1, 1976

**TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON**

Ladies and Gentlemen:

I have the honor to advise that on March 1, 1976, Governor Evans approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 769: Permitting certain domestic wineries to wholesale their own products.

HOUSE BILL NO. 971: Pertaining to taxation of leasehold interests.

Sincerely,
CHI-DOOH LI, Legal Counsel.

MESSAGES FROM THE SENATE

March 1, 1976

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 55,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

March 1, 1976

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 2742,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

March 1, 1976

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 132,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:
HOUSE CONCURRENT RESOLUTION NO. 55.

APPOINTMENT OF CONFEREES

The Speaker Pro Tem appointed Representatives Boldt, Brown and Gaspard as conferees on Reengrossed Senate Bill No. 3038.

SENATE AMENDMENT TO HOUSE BILL

February 27, 1976

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 90 with 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" and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Warnke, the House refused to concur in the Senate amendment to Substitute House Bill No. 90, and asked the Senate to recede therefrom.

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, 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, McDermott; Representatives Bauer, Fortson, Whiteside.

MOTION

On motion of Mr. Bauer, the House adopted the report of the Free Conference Committee on Senate Bill No. 3026.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Senate Bill No. 3026 as amended by the Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3026 as amended by the Free Conference Committee, and the bill passed the House by the following vote: Yeas, 77; nays, 3; not voting, 17.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Dunlap, Ehlers, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Juelling, Kalich, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Perry, Peterson, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Becker, Douthwaite, Williams.

Not voting: Representatives Adams, Bender, Deccio, Eikenberry, Eng, Flanagan, Freeman, Hurley G. S., Kilbury, Matthews, Pardini, Parker, Patterson, Polk, Randall, Sawyer, Smith R.

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.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2742, by Senators Sandison and Newschwander:

Authorizing duty related benefits for disabilities for university and state college sworn police officers.

To Committee on Ways and Means - Appropriations

SENATE CONCURRENT RESOLUTION NO. 132, 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:

Declaring August 20-26 to be American Legion Week.

MOTIONS

On motion of Mr. Conner, the rules were suspended and Senate Concurrent Resolution No. 132 was advanced to second reading and read the second time in full.

On motion of Mr. Conner, the rules were suspended, the second reading considered the third, and Senate Concurrent Resolution No. 132 was placed on final passage.

Mr. Conner spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on adoption of Senate Concurrent Resolution No. 132, and the resolution was adopted by the following vote: Yeas, 87; nays, 0; not voting, 10.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Adams, Becker, Flanagan, Gilleland, Kilbury, Kuehnle, Matthews, Pardini, Polk, Sawyer.

Senate Concurrent Resolution No. 132, having received the constitutional majority, was declared adopted.

SECOND READING

MOTIONS

On motion of Mr. Thompson, the Ways and Means Committee - Appropriations was relieved of ENGROSSED SENATE BILL NO. 3257, and it was placed at the top of today's second reading calendar.

On motion of Mr. Thompson, the Rules Committee was relieved of HOUSE BILL NO. 1575, and it was placed on the second reading calendar following Engrossed Senate Bill No. 3257.

On motion of Mr. Thompson, the Ways and Means Committee - Appropriations was relieved of SENATE BILL NO. 2742, and it was placed on the second reading calendar following House Bill No. 1575.

Mr. Thompson moved that the Ways and Means Committee - Appropriations be relieved of HOUSE BILL NO. 1392, and that it be placed on the second reading calendar following House Bill No. 1605.

ROLL CALL

The Clerk called the roll on the motion to relieve Ways and Means - Appropriations of House Bill No. 1392 and place it on the second reading calendar, and the motion was carried by the following vote: Yeas, 56; nays, 32; not voting, 9.

Voting yea: Representatives Amen, Barnes, Bender, Berentson, Blair, Bond, Brown, Chandler, Charnley, Curtis, Deccio, Douthwaite, Dunlap, Eng, Erickson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Jastad, Juelling, Kuehnle, Lee, Lux, Matthews, Maxie, McKibbin, Nelson, Newhouse, O'Brien, Osterman, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bausch, Boldt, Ceccarelli, Charette, Cochrane, Conner, Ehlers, Eikenberry, Fischer, Fortson, Gaspard, Hanna, Hawkins, Hendricks, Hurley G. S., Hurley M., Kalich, King, Knowles, Laughlin, Lysen, Martinis, May, McCormick, Moon, Moreau, North, Parker, Perry, Williams, Wojahn.

Not voting: Representatives Adams, Bauer, Becker, Clemente, Flanagan, Kilbury, Leckenby, Pardini, Sawyer.

ENGROSSED 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.

The bill was read the second time.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3257 was placed on final passage.

Ms. Sommers spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Sommers yielded to question by Mr. King.

Mr. King: "Are these moneys the moneys that would ordinarily be used to pay costs of living increases to retired teachers?"

Ms. Sommers: "Cost of living increases are voted from growth and assets, unexpected growth and assets. It is my understanding that the teachers' system is the only system which does not allow these payments from the income of the system."

Mr. King: "I don't think you've answered my question, I want to know if by voting for this bill we will be saying that moneys that normally would be used to pay cost of living increases for previously retired teachers will now be used to supplement what should have been a direct appropriation of the legislature?"

Ms. Sommers: "I don't think so."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3257, and the bill passed the House by the following vote: Yeas, 63; nays, 21; not voting, 13.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Bond, Brown, Charette, Charnley, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Fischer, Fortson, Freeman, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Hendricks, Hurley G. S., Hurley M., Juelling, Kalich, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Matthews, Maxie, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Sommers, Thompson, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Boldt, Ceccarelli, Chandler, Cochrane, Ehlers, Eng, Erickson, Gallagher, Hanna, Haussler, Hawkins, King, Lysen, Martinis, May, Moon, Perry, Smith E. P., Tilly, Williams, Wojahn.

Not voting: Representatives Adams, Clemente, Conner, Flanagan, Gaines, Hayner, Jastad, Kilbury, Pardini, Parker, Sawyer, Smith R., Valle.

Engrossed Senate Bill No. 3257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1575, by Representatives Bagnariol, Freeman, Blair and Sommers:

Providing calculation base for supplemental payments under TIAA/CREFF.

The bill was read the second time.

On motion of Ms. Sommers, Substitute House Bill No. 1575 was substituted for House Bill No. 1575, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1575 was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute House Bill No. 1575 was placed on final passage.

Mr. Blair spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Blair yielded to question by Mr. Charnley.

Mr. Charnley: "On page 3, subsection (1), the language confuses me and I don't know why it's there. It says, 'That the retired person at the time of retirement elected a joint and two-thirds survivor option on their annuity, or retirement income plan using actual ages, but not exceeding a five year age difference if married, . . .' Why is that particular phrase in there?"

Mr. Blair: "This entire section is one that is a directive to the Board of Regents or the Board of Trustees as to what ground rules they will use in calculating the supplement. You will notice that in the beginning of section 3 it says that they shall make the following assumptions. It doesn't say that actual condition will prevail, but it says that if the retired person had not elected an option, or had not made a selection, then the board will assume one for them and they will assume a certain age maximum differential and will calculate the benefits on the basis of that. All of section 3 sets up assumptions as to how the supplement will be calculated. In reading it, it almost appears that we are directing that the people shall in fact conform to that situation, but that's not true; we're just saying that we will assume that they have done these things because these are things that a prudent and reasonable person would have done and therefore we will calculate the supplement with the assumption that they were prudent and reasonable people—that they made the appropriate contributions, the maximum contributions into the system and that their contributions were allocated equally."

POINT OF INQUIRY

Mr. Blair yielded to question by Mr. King.

Mr. King: "On the same page there is a proviso that limits the years of experience to only those years in which the person has been a member of the system. You've talked about this as a method of standardizing the system the same as other systems. Isn't it true that in the PERS system, military service is counted or can be counted? Are those things being changed in the other bills that are before us or is this only treating the college teachers differently?"

Mr. Blair: "The differences in credit for military service exist at the present time between TIAA, which is a private system that does not extend that credit to its members, and the public system. Since you've raised the point, at least one of the bills that's aboard, House Bill No. 1392, does change the service credit that exists in present systems for new employees and takes away the free service credit that exists in the present system. Even within the present system that varies; it is not the same for PERS and for TRS. TIAA does not permit it; it doesn't change that situation."

Mr. King: "Why is the proviso there?"

Mr. Blair: "The proviso is there because we discovered—as I pointed out to you this is not a compulsory system. Faculty members have a two-year period when they first begin employment in which to exercise an option as to whether or not they will join. That certainly seems reasonable and we didn't want to take that away, but what we found out was that the universities, in calculating benefits at the point of retirement, were giving credit for that first two years of employment whether the person had been a paying member in the system or not, and we saw no reason why he should be given credit when he had not been paying into the system. In a way there is no incentive for anyone to join until the very end of that two-year waiting period, since they are going to gain all the credit for it anyway without paying into the system. We don't think that's reasonable. We're simply saying here that you will receive credit for those years in which you are actually a member and you and the state pay in contributions to acquire the benefits you will later receive."

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1575, and the bill passed the House by the following vote: Yeas, 86; nays, 2; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bausch, Becker, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Cochrane, Conner, Curtis, Deccio, Douthwaite,

Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Zimmerman.

Voting nay: Representatives Moon, Wojahn.

Not voting: Representatives Bauer, Berentson, Clemente, Flanagan, Hayner, Kilbury, Pardini, Sawyer, Wilson.

Substitute House Bill No. 1575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 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.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 2742 was placed on final passage.

Representatives Bagnariol, Blair, Patterson and Warnke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 2742, and the bill passed the House by the following vote: Yeas, 91; nays, 0; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley M., Jastad, Jueling, Kalich, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Flanagan, Hurley G. S., Kilbury, Newhouse, Pardini, Sawyer.

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.

HOUSE BILL NO. 1405, by Representatives Warnke, Blair, Sommers and Freeman:

Making changes in the LEOFF retirement system.

The bill was read the second time.

On motion of Ms. Sommers, Substitute House Bill No. 1405 was substituted for House Bill No. 1405, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1405 was read the second time.

Ms. Sommers moved adoption of the following amendment:

On page 4, line 4 after "officer," insert "any individual serving as a chief of police or fire chief for two or more employers pursuant to an agreement entered into by and between two or more employers,"

Ms. Sommers spoke in favor of the amendment.

MOTION

Mr. Newhouse moved that HOUSE BILL NO. 1392 be placed on the second reading calendar before Substitute House Bill No. 1405, and be considered immediately.

With the consent of the House, Mr. Newhouse withdrew the motion.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Flanagan, Jastad, Kilbury, Pardini, Seeberger and Valle. Representatives Flanagan, Kilbury, Pardini, Seeberger and Valle were excused.

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Sommers to page 4, line 4 of Substitute House Bill No. 1405.

The amendment was adopted.

On motion of Ms. Sommers, the following amendments were adopted:

On page 8, line 21 strike everything down to and including "section" on line 27 and insert "This section shall apply only to persons who become members of the retirement system on or after the effective date of this 1976 amendatory act."

On page 13, line 34 strike "immediately" and insert "on May 1, 1976"

On page 8, line 34 after "retirement" strike everything down to and including "vesting" on page 9, line 1.

On motion of Mr. Conner, the following amendment by Representatives Conner and Blair was adopted:

On page 13, following line 26 insert a new section as follows:

"NEW SECTION, Sec. 7. There is added to chapter 41.18 RCW a new section to read as follows:

If the rank held by a fireman at the time of his disability retirement is thereafter abolished so as to eliminate the salary base upon which disability allowance is to be computed as provided for in RCW 41.18.060, the disability allowance which such fireman is receiving shall thereafter be adjusted annually on the basis of cost of living adjustments in the manner provided for in RCW 41.18.104."

Renumber the remaining section consecutively.

Mr. King moved adoption of the following amendment:

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

"Section 1. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) 'Retirement system' means the 'Washington law enforcement officers' and fire fighters' retirement system provided herein.

(2) 'Employer' means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter(~~any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter).~~).

(3) 'Law enforcement officer' means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers; and

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers(~~and~~).

(d) The term 'law enforcement officer' also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW).

(4) 'Fire fighter' means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

~~(d) (any full-time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW;~~

~~(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW;~~

(f)) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter; and

((gg)) (e) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) 'Retirement board' means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) 'Surviving spouse' means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) 'Child' or 'children' whenever used in this chapter means every natural born child and stepchild in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, ((stepchild)) and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) 'Member' means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) 'Retirement fund' means the 'Washington law enforcement officers' and fire fighters' retirement system fund' as provided for herein.

(10) 'Employee' means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) 'Beneficiary' means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(12) 'Final average salary' means (a) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (b) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (c) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (d) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting. The definition contained in this subsection shall apply only to persons first establishing membership in the retirement system prior to the effective date of this 1976 amendatory act, and to the beneficiaries of such persons.

(13) 'Basic salary' means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based. The definition contained in this subsection shall apply only to persons first establishing membership in the retirement system prior to the effective date of this 1976 amendatory act, and to the beneficiaries of such persons.

(14) 'Service' means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after his initial commencement of employment as a fire fighter or law enforcement

officer, during which he worked for ten days or more, or the equivalent thereof, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, 'service' shall include (a) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under his particular prior pension act, and (b) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: AND PROVIDED FURTHER, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(15) 'Accumulated contributions' means the employee's contributions made by a member plus accrued interest credited thereon.

(16) 'Actuarial reserve' means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) 'Actuarial valuation' means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) 'Disability board' means either the county disability board or the city disability board established in RCW 41.26.110.

(19) 'Disability leave' means the period of six months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to the commencement of disability retirement.

(20) 'Disability retirement' means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) 'Position' means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) 'Medical services' shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered 'other medical expenses', provided that they have not been considered as 'hospital expenses'.

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

- (I) Nursing home confinement or hospital extended care facility;
- (J) Physical therapy by a registered physical therapist;
- (K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

NEW SECTION. Sec. 2. There is added to chapter 41.26 RCW a new section to read as follows:

On and after the effective date of this 1976 amendatory act, the basic salary for the computation of retirement allowances, retirement disability allowances, and survivorship benefits payable under the provisions of this chapter to persons first establishing membership in the retirement system on or after the effective date of this 1976 amendatory act, and to the beneficiaries of such persons, shall be made in accordance with the provisions of this section.

'Final average salary' means (1) the annual average of the greatest basic salaries payable to a member during any three year period of service in the last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected thirty-six month period by thirty-six; (2) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (3) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting. The term 'final average salary' shall not include any of the following:

- (a) Payments for deferred compensation, unused sick leave, accumulated vacation or annual leave, or other credits for personal services not rendered;
- (b) Any form of termination or severance pay;
- (c) Any additional compensation paid in anticipation of retirement.

'Basic salary' means the basic monthly rate of salary or wages, including longevity pay, overtime earnings, and disability leave allowances but not including special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

Sec. 3. Section 8, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.080 are each amended to read as follows:

The total liability of this system shall be funded as follows:

(1) Every member shall have deducted from each payroll a sum equal to six percent of his basic salary for each pay period.

(2) Every employer shall contribute monthly a sum equal to six percent of the basic salary of each employee who is a member of this retirement system. The employer shall transmit the employee and employer contributions with a copy of the payroll to the retirement system monthly.

(3) The biennial actuarial evaluation required by RCW 41.26.060(2) shall establish the total liability for this system. This liability shall be divided into current service liability and prior service liability. The contributions required by (1) and (2) above shall be applied toward the current service liability with the balance of the current service liability to be appropriated from the state general fund. The prior service liability shall be amortized over a period of not more than forty years from March 1, 1970. The amount thus computed shall be added to the current service liability to be appropriated from the state general fund.

This total amount shall be reported to the governor by the director of the retirement system, upon approval of the board, for inclusion in the budget. The legislature shall make the necessary appropriation from the state general fund to the Washington law enforcement officers' and fire fighters' retirement fund after considering the estimates as prepared and submitted. The transfer of funds from the state general fund to the retirement system shall be at a rate determined by the board of trustees on the basis of the latest actuarial valuation. The total amount of such transfers for a biennium shall not exceed the total amount appropriated by the legislature.

(4) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contributions shall be a complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except his claim to the benefits to which he may be entitled under the provisions of this chapter.

The provisions of this section shall apply only to persons first establishing membership in the retirement system prior to the effective date of this 1976 amendatory act.

NEW SECTION. Sec. 4. There is added to chapter 41.26 RCW a new section to read as follows:

On and after the effective date of this 1976 amendatory act, contributions from members, employers, and the state relating to members first entering the retirement system on and after the effective date of this 1976 amendatory act, shall be in accordance with the provisions of this section.

The total liability of this system shall be funded as follows:

(1) Every member shall have deducted from each payroll a sum equal to seven percent of his basic salary including payments received while on disability leave, for each pay period.

(2) Every employer shall contribute monthly a sum equal to seven percent of the basic salary including payments received while on disability leave, of each employee who is a member of this retirement system. The employer shall transmit the employee and employer contributions with a copy of the payroll to the retirement system monthly.

(3) The biennial actuarial evaluation required by RCW 41.26.060(2) shall establish the total liability for this system. This liability shall be divided into current service liability and prior service liability. The

contributions required by (1) and (2) above shall be applied toward the current service liability with the balance of the current service liability to be appropriated from the state general fund. The prior service liability shall be amortized over a period of not more than forty years from March 1, 1970. The amount thus computed shall be added to the current service liability to be appropriated from the state general fund.

This total amount shall be reported to the governor by the director of the retirement system, upon approval of the board, for inclusion in the budget. The legislature shall make the necessary appropriation from the state general fund to the Washington law enforcement officers' and fire fighters' retirement fund after considering the estimates as prepared and submitted. The transfer of funds from the state general fund to the retirement system shall be at a rate determined by the board of trustees on the basis of the latest actuarial valuation. The total amount of such transfers for a biennium shall not exceed the total amount appropriated by the legislature.

(4) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contributions shall be a complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except his claim to the benefits to which he may be entitled under the provisions of this chapter.

Sec. 5. Section 24, chapter 209, Laws of 1969 ex. sess. as last amended by section 13, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.240 are each amended to read as follows:

For purposes of this section of this chapter:

(1) 'Index' shall mean, for any calendar year, that year's average Consumer Price Index—Seattle, Washington area for urban wage earners and clerical workers, all items ((1957-1959=100)), compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) 'Retirement allowance' shall mean the retirement allowance provided for in RCW 41.26.100 and 41.26.130, and the monthly allowance provided for in RCW 41.26.160.

Effective April 1 of 1971, and of each succeeding year, every retirement allowance which has been in effect for more than one year shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the board finds to exist between the index for the previous calendar year and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid.

For the purposes of this section, basic allowance shall mean that portion of a total retirement allowance, and any cost of living adjustment thereon, attributable to a member (individually) and shall not include the increased amounts attributable to the existence of a child or children. In those cases where a child ceases to be qualified as an eligible child, so as to lessen the total allowance, the allowance shall, at that time, be reduced to the basic allowance plus the amount attributable for the appropriate number of eligible children. In those cases where a child qualifies as an eligible child subsequent to the retirement of a member so as to increase the total allowance payable, such increased allowance shall at the time of the next and appropriate subsequent cost of living adjustments, be considered the original dollar amount of the allowance.

The provisions of this section shall apply only to persons first establishing membership in the retirement system prior to the effective date of this 1976 amendatory act, and to the beneficiaries of such persons.

NEW SECTION. Sec. 6. There is added to chapter 41.26 RCW a new section to read as follows:

On and after the effective date of this 1976 amendatory act, periodic adjustment of retirement allowances payable under the provisions of this chapter to persons first establishing membership in the retirement system on or after the effective date of this 1976 amendatory act, and to the beneficiaries of such persons, shall be made in accordance with the provisions of this section.

(1) 'Index' shall mean for any calendar year that year's annual average consumer price index for urban wage earners and clerical workers, all items — compiled by the bureau of labor statistics, United States department of labor.

(2) 'Cost-of-living factor' for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that in no event shall the cost-of-living factor be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor.

(3) 'Retirement allowance' shall mean any retirement allowance, disability allowance, or survivorship benefit payable under the provisions of this chapter.

(4) Pursuant to this subsection every retirement allowance which is payable to a beneficiary and which has been in effect for more than one year shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of such retirement allowance on the initial date of payment: PROVIDED, That the board of the retirement system under which such retirement allowance is payable finds that the cost of such adjustments shall have been met by the excess of the growth in the assets of such retirement system over that required for meeting the actuarial liabilities of the system at that time: AND PROVIDED FURTHER, That the board of the retirement system shall submit statistical data and financial information supporting the growth in the assets of the system and the amount of any proposed periodic adjustment to the legislature. No such retirement allowance adjustment shall be implemented prior to approval by the legislature.

Sec. 7. Section 3, chapter 257, Laws of 1971 ex. sess. as amended by section 8, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.045 are each amended to read as follows:

Notwithstanding any other provision of law after February 19, 1974 no law enforcement officer or fire fighter, may become eligible for coverage in the pension system established by this chapter, until he has met and has been certified as having met minimum medical and health standards: PROVIDED, That an elected sheriff shall not be required to meet the age standard: PROVIDED FURTHER, That in cities and towns having not more than two law enforcement officers and/or not more than two fire fighters and if one or more of such persons do not meet the minimum medical and health standards as required by the provisions of this chapter, then such person or persons may join any other pension system that the city has available for its other employees: AND PROVIDED FURTHER, That for one year after February 19, 1974 any such medical or health standard now existing or hereinafter adopted, insofar as it establishes a maximum age beyond which an applicant is to be deemed ineligible for coverage, shall be waived as to any applicant for employment or reemployment who is otherwise eligible except for his age, who has been a member of any one or more of the retirement systems created by chapter 41.20 of the Revised Code of Washington and who has restored all contributions which he has previously withdrawn from any such system or systems: AND PROVIDED FURTHER, That application of the minimum medical and health standards as required by this section shall not constitute a violation of chapter 49.60 RCW.

Sec. 8. Section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.120 are each amended to read as follows:

Any member, regardless of his age or years of service may be retired by the disability board, subject to approval by the retirement board as hereinafter provided, for any disability which has been continuous since his discontinuance of active service and which renders him unable to continue his service, whether incurred in the line of duty or not. No disability retirement allowance shall be paid until the expiration of a period of six months for a disability incurred in line of duty and three months for a disability not incurred in line of duty after the disability is incurred during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of his application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to his full monthly salary and shall continue to receive all other benefits provided to active employees from his employer for such period. However, if, at any time during the initial (~~six-month~~) period, the disability board finds the beneficiary is no longer disabled, his disability leave allowance shall be canceled and he shall be restored to duty in the same rank or position, if any, held by the beneficiary at the time he became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he is or is believed to be physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally: PROVIDED, That no such application shall be considered unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, and that such disability has been continuous from the discontinuance of active service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter as now or hereafter amended, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the retirement board in accordance with RCW 41.26.200: PROVIDED, That the disability board shall make a finding of whether or not the disability was incurred in line of duty.

(3) Every order of a disability board granting a disability retirement allowance shall forthwith be reviewed by the retirement board for the purposes of determining (a) whether the facts as found by the disability board are supported by substantial evidence in the record, except the finding of whether or not the disability was incurred in line of duty; and (b) whether the order is in accordance with law on the basis of such facts. If an affirmative determination is made by the retirement board on both of the aspects of the decision and order, it shall be affirmed; otherwise, it shall be reversed and remanded to the disability board for such further proceedings as the retirement board may direct.

(4) Every member who can establish, to the disability board, that he is physically or mentally disabled from the further performance of duty and that such disability will be in existence for a period of at least six months may waive the (~~six-month~~) period of disability leave and be immediately granted a disability retirement allowance, subject to the approval of the state board as provided in subsection (3) above.

Sec. 9. Section 13, chapter 209, Laws of 1969 ex. sess. as amended by section 8, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.130 are each amended to read as follows:

(1) Upon retirement for a disability incurred in line of duty a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability retirement, and (b) an additional five percent of final average salary for each child as defined in RCW 41.26.030(7), (c) the combined total of subsections (1)(a) and (1)(b) of this section shall not exceed a maximum of sixty percent of final average salary.

(2) Upon retirement for a disability not incurred in line of duty a member shall be entitled to receive a monthly retirement allowance in an amount equal to forty percent of final average salary.

(3) A disabled member shall begin receiving his disability retirement allowance as of the expiration of his (~~six month~~) period of disability leave or, if his application was filed after the (~~sixth month~~) period of disability leave to which he is entitled, but prior to the one year time limit, the member's disability retirement allowance shall be retroactive to the end of the (~~sixth month~~) disability leave period.

(~~(3)~~) (4) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he shall then receive either his disability retirement allowance or his retirement for service allowance, whichever is greater.

(~~(4)~~) (5) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability.

(~~(5)~~) (6) A member retired for disability shall, at the discretion of the disability board, be subject to a semiannual medical examination by a physician approved by the disability board prior to his attainment of age fifty.

Sec. 10. Section 14, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.140 are each amended to read as follows:

(1) Upon the basis of a semiannual reexamination of members on disability retirement, the disability board shall determine whether such disability beneficiary is still unable to perform his duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his retirement or if unable to perform the duties of said rank, then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. In no event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system.

(4) Should any disability beneficiary under age fifty refuse to submit to medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall be canceled.

(5) Should a disability beneficiary whose disability was not incurred in line of duty, prior to attaining age fifty engage in a gainful occupation, the disability board shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired member held at the time he was disabled. All such disability beneficiaries under age fifty shall file with the disability board every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the disability board may further alter his retirement allowance as indicated above. The failure of any member to file the required statement of earnings shall be cause for cancellation of retirement benefits.

(6) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid the excess, if any, of his accumulated contributions at the time of his retirement over all payments made on his behalf under this chapter.

Sec. 11. Section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 11, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.150 are each amended to read as follows:

(1) Whenever any active member, or any member hereafter retired, on account of (~~service, sickness or~~) a disability incurred in line of duty, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires medical services, the employer shall pay for such active or retired member the necessary medical services not payable from some other source as provided for in subsection (2). In the case of active or retired fire fighters the employer may make the payments provided for in this section from the firemen's pension fund established pursuant to RCW 41.16.050 where such fund had been established prior to March 1, 1970: PROVIDED, That in the event the pension fund is depleted, the employer shall have the obligation to pay all benefits payable under chapters 41.16 and 41.18 RCW: PROVIDED FURTHER, That the disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section for the period of such refusal: AND PROVIDED FURTHER, That the disability board shall designate the medical services available to any sick or disabled member.

(2) The medical services payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this chapter.

(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries or for the payment of the cost of medical services in connection with a member's sickness or disability to the extent necessary to recover the amount of payments made by the employer.

(4) Any employer under this chapter, either singly, or jointly with any other such employer or employers through an association thereof as provided for in chapter 48.21 RCW, may provide for all or part of one or more plans of group hospitalization and medical aid insurance to cover any of its employees who are members of the Washington law enforcement officers' and fire fighters' retirement system, and/or retired former employees who were, before retirement, members of said retirement system, through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW. Benefits payable under any such plan or plans shall be deemed to be amounts received or eligible to be received by the active or retired member under subsection (2) of this section.

Sec. 12. Section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 5, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.160 are each amended to read as follows:

(1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more years of service, or who is on disability leave or retired, whether for disability or service, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or eighty percent of the amount of retirement allowance the vested member would have received at age fifty, or eighty percent of the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of ~~((this))~~ the allowance paid the surviving spouse of an active member will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian.

(2) If at the time of the death of a vested member with twenty or more years service as provided above or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to his retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of ~~((such))~~ an active member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. If there be no surviving spouse eligible to receive benefits at the time of the death of a member who was vested with more than twenty years of service or who was retired for service or disability, the child or children shall receive an amount equal to that which would have been paid the surviving spouse. When there cease to be any eligible children as defined in RCW 41.26.030(7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies or remarries and there are children as defined in RCW 41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

NEW SECTION. Sec. 13. It is the intention of the legislature that those persons who had established membership in the retirement system created by chapter 41.26 RCW prior to the effective date of this 1976 amendatory act, and their beneficiaries shall continue to be governed by the provisions of chapter 41.26 RCW as they existed prior to the effective date of this 1976 amendatory act.

NEW SECTION. Sec. 14. 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. 15. 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."

Mr. King spoke in favor of the amendment.

MOTION

Mr. Kuehnle moved that further consideration of Substitute House Bill No. 1405 be deferred, and that it be placed on the calendar following House Bill No. 1407.

Representatives Kuehnle and King spoke in favor of the motion, and it was carried.

HOUSE BILL NO. 1407, by Representatives Warnke, Blair, Sommers, Freeman and Pardini:

Making changes in the public employees' retirement system.

The bill was read the second time.

On motion of Ms. Sommers, Substitute House Bill No. 1407 was substituted for House Bill No. 1407, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1407 was read the second time.

Mr. Gaspard moved adoption of the following amendments:

On page 1, line 21 after "who" and before "not" strike "are" and insert "were"

On page 1, line 22 before "be" insert "not"

On page 1, line 22 after "retirement allowance" strike the remainder of the sentence and insert "calculated pursuant to RCW 41.40.185(4) and such person shall not be required to make the contributions required by RCW 41.40.330(3) and his employer shall not be required to make the additional contributions required by RCW 41.40.361(3). However, such person and his surviving spouse shall not receive less than the minimum benefit provided by RCW 41.40.185(4)."

Mr. Gaspard spoke in favor of the amendments.

POINT OF INQUIRY

Mr. Gaspard yielded to question by Mr. Blair.

Mr. Blair: "I just looked in the packet for the letters you referred to; you said, I think, that it showed a reduction of three and one-half percent for the proposed amendments you have. I don't find any letter that addresses specifically the proposed amendment. I find one that says, 'At the request of an individual we have analyzed House Bill No. 1407 combined with the modifications proposed and we find that would result in a decrease of one percent.' I interpret that as saying that the entire bill combined with your amendments would result in a decrease of one percent. We have another letter from the same actuary saying that the bill as preferably amended would reduce the annual cost by 1.4%. I therefore come to the conclusion that your amendments must be increasing the cost over that of the bill by approximately one-half of one percent. Within our rules that is acceptable; it certainly is a savings over the present system, but it is not an additional savings over the unamended bill. I find no separate letter which analyzes your amendments alone so I have to combine these two letters together. Am I reading those right, or have I missed somehow getting some information?"

Mr. Gaspard: "I read the two paragraphs in the two letters you are referring to, and I would admit that in first reading it, it does look like an ambiguity, but if you will look further down on the letter dated February 25th, the last paragraph of the first page, where we are talking about the amendment that will follow later about the retirement ages, it says that this amendment is estimated to be a .84% savings and if you turn the page over, it says that the two average salary bases should be another savings of .16%. My only interpretation would be that we are talking about those specific amendments, and they add up to one percent and that, in my opinion, is one percent more than is being offered in the bill in its present form."

Mr. Blair spoke against the amendments.

POINT OF INQUIRY

Mr. Gaspard yielded to question by Mr. Shinpoch.

Mr. Shinpoch: "When you were talking about the savings, you mentioned the savings in this biennium. I'm sure there must be a very simple explanation, because from what I thought I knew about pensions relative to not reducing those people who are now vested—they stay vested—I couldn't see us bringing any new people on and retiring them in this biennium. I was looking for an understanding of how we would have a savings in this biennium."

Mr. Gaspard: "I'm not sure I'm really able to answer the question at this time. I'm trying to put an effective date amendment on of July 7th, and I guess it would be difficult for someone to come into the system and retire. I guess I just can't answer your question."

POINT OF INQUIRY

Mr. Amen asked Mr. Gaspard to yield to question, and Mr. Gaspard refused.

Mr. Blair yielded to question by Mr. Amen.

Mr. Amen: "In the third amendment it says, 'such person shall not be required to make the contributions required by RCW 41.40.330(3) and his employer shall not be required to make the additional contributions...' What do we mean by 'shall not be required to make the contributions?' Do we go back to another area where the employee then makes the contributions or do we just leave the employee out of making contributions entirely?"

Mr. Blair: "I don't like to pretend to be an expert on somebody else's amendment, but I have been trying to fit these three amendments all together. It does not apply to anybody other than the elected officials, and it seems to be saying that they shall not be required to make contributions which—I'm guessing that RCW 41.40.330 is the present chapter which deals with the particular and special pensions, contributions and benefits of legislators. We make a seven and one-half percent or a seven percent contribution, other employees make a six percent contribution. I guess this is saying we shall no longer make a seven per cent contribution. Unfortunately what it seems to be saying is that we shall make no contribution at all, because it doesn't specify anything to replace."

Mr. Amen spoke against the amendments.

MOTIONS

On motion of Mr. Kuehnle, further consideration of Substitute House Bill No. 1407 was deferred, and the bill was ordered placed on the calendar following House Bill No. 1605.

On motion of Mr. Thompson, further action on Substitute House Bill No. 1405 was deferred until tomorrow.

On motion of Mr. Thompson, HOUSE BILL NO. 1444 was rereferred to Committee on Rules.

HOUSE BILL NO. 1605, by Representatives Sommers, Blair and Freeman:

Making changes in the teachers' retirement system.

The bill was read the second time.

On motion of Ms. Sommers, Substitute House Bill No. 1605 was substituted for House Bill No. 1605, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1605 was read the second time.

MOTIONS

On motion of Mr. Thompson, further consideration of all bills on today's calendar was deferred, and they were ordered held for tomorrow's calendar.

On motion of Mr. Thompson, the House adjourned until 10:30 a.m., Wednesday, March 3, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

FIFTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, March 3, 1976.

The House was called to order at 10:30 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Boldt, Bond, Flanagan, Lee and Seeberger, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sherrill Keller and Dale Wentworth. Prayer was offered by the Reverend George Mitchell of the First Christian Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 2, 1976

Mr. Speaker:

The President 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.

Sidney R. Snyder, Secretary.

March 2, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on REENGROSSED SENATE BILL NO. 3038, and the President has appointed as conferees thereon: Senators von Reichbauer, Rasmussen, Guess.

Sidney R. Snyder, Secretary.

March 2, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1266,
HOUSE BILL NO. 1404,

HOUSE CONCURRENT RESOLUTION NO. 55,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 2, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, and the President has appointed as conferees thereon: Senators Stortini, Odegaard, North.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SENATE BILL NO. 2742,
SENATE BILL NO. 3040,
SENATE BILL NO. 3149,
SENATE BILL NO. 3257.

SENATE CONCURRENT RESOLUTION NO. 132.
REPORTS OF STANDING COMMITTEES

March 1, 1976

SUBSTITUTE SENATE BILL NO. 2038, Prime Sponsor: Senator Rasmussen, regulating environmentally hazardous wastes. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass as amended by Committee on Ecology. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Amen, Bauer, Blair, Boldt, Curtis, Ehlers, May, McKibbin, Smith (Edward), Smith (Rick), Thompson, Valle.

To Committee on Rules for second reading.

March 1, 1976

SENATE CONCURRENT RESOLUTION NO. 127, Prime Sponsor: Senator Francis, stating legislative intent to repay obligations to widows of police officers and directs payment thereto. Reported by Committee on Ways and Means - Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Shinpoch, Chairman; North, Vice Chairwoman; Amen, Bagnariol, Bauer, Blair, Boldt, Curtis, Gaspard, May, McKibbin, Smith (Edward), Thompson, Valle.

To Committee on Rules for second reading.

SECOND READING

On motion of Mr. Thompson, HOUSE BILL NO. 1379 was placed on the calendar for immediate consideration.

HOUSE BILL NO. 1379, by Representatives Kilbury, Randall and Boldt:

Providing for distribution of taxes levied on certain nuclear powered electric generating facilities.

The bill was read the second time.

On motion of Mr. Kilbury, Substitute House Bill No. 1379 was substituted for House Bill No. 1379, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1379 was read the second time.

On motion of Mr. Kilbury, the following amendments by Representatives Kilbury, Newhouse, Boldt and Hansen were adopted:

On page 4, line 13 after "counties" strike the balance of the section and insert: "within the state of Washington, including the county or counties in which the facilities are located that have territory south of township 15, and within thirty-five miles of the most commonly used entrance nearest to the City of Richland. Funds distributed under this section shall be in proportion that the population of each county, city, or special district residing within the heretofore designated area bears to the total population of all counties, cities, or special districts residing within this heretofore designated area. All allocations directed by this section and section 5 of this amendatory act to be made on the basis of population of counties, cities, or special districts, or portions thereof, shall be calculated in accordance with data provided by the office of program planning and fiscal management."

On page 5, line 2 after "districts:" strike the balance of the section and insert "PROVIDED, That the amounts to be distributed under this section shall be distributed in the proportion the population of each such district residing within the heretofore designated area bears to the total population of such districts residing within this heretofore designated area, except that the amounts to be distributed to school districts shall be distributed in the proportion the number of full time equivalent school children of each district residing within this heretofore designated area, bears to the total number of full time equivalent school children of all such school districts."

Substitute House Bill No. 1379 was ordered engrossed.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Engrossed Substitute House Bill No. 1379 was placed on final passage.

Representatives Kilbury, Newhouse and Randall spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1379, and the bill passed the House by the following vote: Yeas, 86; nays, 0; not voting, 11.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Perry, Peterson, Randall, Sawyer, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Boldt, Bond, Flanagan, Kuehnle, Lee, McKibbin, Parker, Polk, Seeberger, Tilly, Valle.

Engrossed Substitute House Bill No. 1379, having received the 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 SENATE

March 2, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1340, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

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 as amended by the Senate, have had the same under consideration, and we report that we cannot agree and request the powers of Free Conference in order to propose amendments to the bill.

Signed by Senators Bottiger, Clarke, Walgren; Representatives Charette, Eikenberry, Smith (Rick).

MOTION

Mr. Smith (Rick) moved that the report of the Conference Committee be adopted, and that the committee be granted the powers of Free Conference.

POINT OF INQUIRY

Mr. Smith (Rick) yielded to question by Mr. Charnley.

Mr. Charnley: "I notice that the Senate in their amendments had also stricken sections 2 and 3 of the bill; is that action the same as the Conference Committee's action?"

Mr. Smith (Rick): "That was to offer a substitute amendment. The Conference Committee amendment rewrites the language in sections 2 and 3 and that is contained in the conference report."

The motion was carried.

MOTION

On motion of Mr. Thompson, HOUSE BILL NO. 1305 was placed on the calendar for immediate consideration.

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.

The bill was read the second time.

MOTION

Mr. Pardini moved that further consideration of House Bill No. 1305 be deferred, and that the bill hold its place on the second reading calendar.

Representatives Pardini and Thompson spoke in favor of the motion, and it was carried.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 3025 as amended by the House, by Select Committee on Education (Endorsed by Senators Stortini, Gould, Odegaard, Ridder, Donohue, Newschwander, Jones and Wanamaker):

Mandating school districts to set forth policy for reduction-in-force of school personnel.

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

POINT OF ORDER

Mr. Newhouse: "Without a motion specifying Senate bills, I would suggest we should be considering House Concurrent Resolution No. 53 as the first bill on the third reading calendar."

The Speaker Pro Tem: "Your point is well taken."

MOTION

On motion of Mr. Thompson, the House advanced to the third reading of Senate bills on today's third reading calendar.

ENGROSSED SENATE BILL NO. 3025:

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Senate Bill No. 3025 as amended by the House.

Mr. Bauer spoke in favor of passage of the bill, and Mr. Newhouse spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3025 as amended by the House, and the bill passed the House by the following vote: Yeas, 58; nays, 30; not voting, 9.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Brown, Ceccarelli, Chandler, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Eng, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, O'Brien, Osterman, Paris, Parker, Perry, Polk, Sawyer, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Amen, Barnes, Berentson, Charette, Curtis, Deccio, Dunlap, Eikenberry, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Jastad, Jueling, Kuehnle, Leckenby, Nelson, Newhouse, Pardini, Patterson, Peterson, Randall, Schumaker, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Boldt, Bond, Clemente, Erickson, Flanagan, Lee, North, Seeberger, Tilly.

Engrossed Senate Bill No. 3025 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 Mr. Thompson, the House reverted to the sixth order of business for second reading of Senate bills.

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.

Committee on Education recommendation: Majority, do pass as amended. (For amendments, see Journal, Fifty-fourth Day 2nd ex. sess., February 27, 1976.)

On motion of Mr. Bauer, the committee amendments were adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3091 as amended by the House was placed on final passage.

Mr. Bauer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3091 as amended by the House, and the bill passed the House by the following vote: Yeas, 89; nays, 1; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Hansen.

Not voting: Representatives Boldt, Bond, Flanagan, Lee, Seeberger, Sherman, Tilly.

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.

SUBSTITUTE SENATE BILL NO. 3267, by Committee on Higher Education (Originally sponsored by Senators Sandison, Newschwander, Stortini, Odegaard, Benitz, Donohue and Guess):

Implementing 1975 vocational education act.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 3267 was placed on final passage.

Mr. Bauer spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Amen.

Mr. Amen: "On reducing the force on the Commission on Vocational Education are you referring to the help, to the secretaries, or what? What would the effects of this be?"

Mr. Bauer: "Yes, that's correct, it would be clerical rather than line-type people. All the line-type functions were transferred to the most appropriate respective agencies, such as the SPI and the State Board of Community Colleges. These are only people who function in doing the housekeeping, of distributing the dollars, the federal dollars, and see that the vocational education program is functioning in the state, so there are no line functions to be reduced here—it's strictly clerical."

Mr. Amen: "Would this have any affect on the effectiveness of our vocational education? Would it cut it down in any manner at all?"

Mr. Bauer: "Not this act; however, some of the actions that we've taken previously which provided for the transfer of certain functions to the State Board of Education and to the SPI may do so. I understand the SPI was directed to have X number of staff and I suppose you have been getting some letters and some mail relative to the possibility that certain instructors who instruct clubs and vocational programs may be reduced. That has nothing to do with this bill; that has to do with the amount of staff that was recommended to be transferred from the Coordinating Council on Education to the SPI. If the SPI cannot carry on those functions with that staff level, they either need to request additional staff or else make some other arrangements. This bill in no way affects that staff relationship."

Mr. Amen: "Then you can assure me that passage of this bill would not affect vocational education in our schools in any reduction at all?"

Mr. Bauer: "That is correct."

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Nelson.

Mr. Nelson: "In section 1, line 12, I notice that it makes reference to the Council on Higher Education. I'm wondering whether or not the committee had any testimony or considered the fact that the council no longer exists?"

Mr. Bauer: "At the time the instructions were given for transfer, the instructions were made to transfer to the most appropriate agency. A couple were left out and in section 1 we added those. I don't recall any discussion that the council was phased out, or what its successor would be—which would be the most appropriate agency. The transfers have already been made, so really it's immaterial."

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3267, and the bill passed the House by the following vote: Yeas, 91; nays, 0; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Boldt, Bond, Flanagan, Gaines, Lee, Seeberger.

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.

ENGROSSED SENATE BILL NO. 3261, by Senator Rasmussen (by Lieutenant Governor request):

Relating to state government.

The bill was read the second time.

Committee on Constitution and Elections recommendation: Majority, do pass as amended. (For amendments, see Journal, Fifty-seventh Day, 2nd ex. sess., March 1, 1976.)

On motion of Mr. Hawkins, the committee amendments were adopted.

Mr. Kuehnle moved adoption of 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,"

Representatives Kuehnle and King spoke in favor of the amendments and they were adopted.

On motion of Mr. Kuehnle, the following amendments were adopted:

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 "teachers' retirement system,"

On page 1, line 21 after "board of trustees," insert "board of trustees of each community college,"

Mr. Kuehnle moved adoption of the following amendment:

On page 1, line 24 after "transportation commission," insert "Washington state women's council,"

Representatives Kuehnle, Nelson and Curtis spoke in favor of the amendment, and Representative Wojahn spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kuehnle to page 1, line 24 of Engrossed Senate Bill No. 3261, and the amendment was not adopted by the following vote: Yeas, 41; nays, 45; not voting, 11.

Voting yea: Representatives Amen, Barnes, Bausch, Berentson, Chandler, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Freeman, Gilleland, Greengo, Haley, Hansey, Hawkins, Hayner, Hendricks, Hurley M., Jueling, Kuehnle, Laughlin, Leckenby, Matthews, Maxie, Nelson, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Smith E. P., Tilly, Valle, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Becker, Bender, Blair, Brown, Ceccarelli, Charney, Clemente, Conner, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hurley G. S., Jastad, Kalich, King, Lux, Lysen, Martinis, May, McCormick, Moon, North, O'Brien, Osterman, Perry, Sawyer, Sherman, Shipoch, Smith R., Sommers, Thompson, Warnke, Williams, Wojahn.

Not voting: Representatives Boldt, Bond, Charette, Flanagan, Kilbury, Knowles, Lee, McKibbin, Moreau, Newhouse, Seeberger.

EXPLANATION OF VOTE

I wish to correct my vote on the amendment by Representative Kuehnle to page 1, line 24 of ESB No. 3261. I intended to vote to keep the Women's Council in the bill. I thought we were voting on an amendment by Representative Wojahn to strike the Kuehnle amendment. Please change my vote from yea to no.

PAT COCHRANE, 8th District.

Mr. Kuehnle moved adoption of the following amendment:

On page 1, line 16 after "game commission," insert "each professional staff member of the office of the governor,"

Mr. Pardini moved adoption of the following amendment to the Kuehnle amendment:

After "governor," insert "and each professional staff member of the legislature,"

Representatives Pardini and King spoke in favor of the amendment to the amendment.

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Randall.

Mr. Randall: "The term 'professional and full time' got intermingled. Would you, just for the record, describe for us whether professional staff is every permanent staff member, from the secretary up to the research people? Give us for the record what we are talking about in professional and whether they are full time or really, truly professional, and identify that for us?"

Mr. Pardini: "Representative Randall, there is a legal dictionary which would probably describe that term and I cannot define it for you. In my opinion, professional staff is any person who accepts compensation for performing a service."

POINT OF INQUIRY

Mr. King yielded to question by Mr. Curtis.

Mr. Curtis: "I didn't understand what you said. You say that our staff people have to file public disclosure forms now?"

Mr. King: "Not public disclosure forms, but they have to fill out according to—Representative Thompson can answer this better than I. They do have to fill out financial disclosure forms that are a matter of public record under the old law that we had prior to Initiative 276."

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Curtis.

Mr. Curtis: "Can you elaborate on that a little more, Representative Thompson? I don't understand what you mean by financial disclosure."

Mr. Thompson: "In anticipating this debate I was attempting to get a copy of the form, but there is a conflict of interest form that we used as legislators prior to the enactment of Initiative 276 and it was filed with the Secretary of State. I support this amendment; it simply would, as far as our professional staff is concerned, mean a change of form for them and they would be carrying out what they do now."

Mr. Curtis spoke in favor of the amendment to the amendment, and Representatives Warnke and Hurley (George) spoke against it.

POINT OF INQUIRY

Mr. Kuehnle yielded to question by Mr. Newhouse.

Mr. Newhouse: "Could you possibly define for us, and is it statutory, what the professional staff meaning would be?"

Mr. Kuehnle: "I can't attest to the fact that it is statutory. Bill drafting used that term when I asked them to exclude clerical and nondecision-making staff. They came up with this wording of professional staff."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

MOTION

Mr. Newhouse moved that further consideration of Engrossed Senate Bill No. 3261 be deferred and that it be made a special order of business one week from today.

Mr. Newhouse spoke in favor of the motion, and Representatives Hawkins, Thompson, Pardini and Tilly spoke against it.

The motion was lost.

Mr. Kuehnle moved adoption of the following amendment:

On page 1, line 18 after "disclosure commission," strike "public pension commission."

Mr. Kuehnle spoke in favor of the amendment, and Mr. King spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kuehnle to page 1, line 18 of Engrossed Senate Bill No. 3261, and the amendment was not adopted by the following vote: Yeas, 29; nays, 56; not voting, 12.

Voting yea: Representatives Amen, Bausch, Curtis, Deccio, Dunlap, Eikenberry, Eng, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Kuehnle, Laughlin, Leckenby, Matthews, Maxie, Nelson, Newhouse, Patterson, Peterson, Polk, Schumaker, Sommers, Whiteside, Wilson.

Voting nay: Representatives Adams, Bagnariol, Barnes, Becker, Blair, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Lysen, Martinis, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Pardini, Paris, Parker, Perry, Randall, Sawyer, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Tilly, Valle, Warnke, Williams, Wojahn, Zimmerman.

Not voting: Representatives Bauer, Bender, Berentson, Boldt, Bond, Chandler, Fischer, Flanagan, Jueling, Lee, Lux, Seeberger.

Mr. Newhouse moved adoption of the following amendment to Engrossed Senate Bill No. 3261:

On page 5, line 21 strike section 2.

Mr. Newhouse spoke in favor of the amendment, and Mr. Hawkins spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Newhouse to page 5 of Engrossed Senate Bill No. 3261, and the amendment was not adopted by the following vote: Yeas, 30; nays, 62; not voting, 5.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Gilleland, Greengo, Hansey, Hayner, Jueling, Knowles, Kuehnle, Leckenby, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Haley, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Parker, Perry, Randall, Sawyer, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn.

Not voting: Representatives Boldt, Bond, Flanagan, Lee, Seeberger.

Mr. Charnley moved that the rules be suspended, the second reading considered the third, and Engrossed Senate Bill No. 3261 as amended by the House be placed on final passage.

A division was requested.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place Engrossed Senate Bill No. 3261 as amended by the House on final passage, and the motion failed to receive the two-thirds majority by the following vote: Yeas, 52; nays, 40; not voting, 5.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Ceccarelli, Charette, Charnley, Douthwaite, Dunlap, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Hansen, Haussler, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Nelson, North, O'Brien, Osterman, Parker, Perry, Randall, Sawyer, Shinpoch, Smith E. P., Smith R., Thompson, Valle, Warnke, Williams, Wilson, Wojahn.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Brown, Chandler, Clemente, Cochrane, Conner, Curtis, Deccio, Ehlers, Eikenberry, Eng, Erickson, Gilleland, Greengo, Haley, Hanna, Hansey, Hawkins, Hayner, Jueling, Knowles, Kuehnle, Leckenby, Matthews, Moreau, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Sherman, Sommers, Tilly, Whiteside, Zimmerman.

Not voting: Representatives Boldt, Bond, Flanagan, Lee, Seeberger.

Engrossed Senate Bill No. 3261 as amended by the House was passed to Committee on Rules for third reading.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Adams, Boldt, Bond, Flanagan and Lee. Representatives Boldt, Bond, Flanagan and Lee were excused.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SECOND READING

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.

The House resumed consideration of the bill on second reading. (For previous action, see yesterday's Journal.)

The Speaker Pro Tem declared the question before the House to be the amendment by Representative King.

MOTION

Mr. Kuehnle moved that the House immediately consider HOUSE BILL NO. 1392 on second reading.

Mr. Kuehnle spoke in favor of the motion, and Mr. Thompson spoke against it.

ROLL CALL

The Clerk called the roll on the motion by Mr. Kuehnle to immediately consider House Bill No. 1392 on second reading, and the motion was lost by the following vote: Yeas, 34; nays, 56; not voting, 7.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Jueling, Kuehnle, Leckenby, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Seeberger, Sommers, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Becker, Bender, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King,

Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Parker, Perry, Randall, Sawyer, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Adams, Boldt, Bond, Eng, Erickson, Flanagan, Lee.

The Speaker Pro Tem stated the question before the House to be the amendment by Representative King to Substitute House Bill No. 1405.

On motion of Mr. King, the following amendments to the amendment were adopted:

On page 4, line 3 after "officer" insert "any individual serving as a chief of police or fire chief for two or more employers pursuant to an agreement entered into by and between two or more employers"

On page 8, line 38 strike everything down to and including "section" on page 9, line 2 and insert "This section shall apply only to persons who become members of the retirement system on or after the effective date of this 1976 amendatory act."

On page 9, line 12 after "retirement" strike everything down to and including "vesting" on line 15.

Mr. King moved adoption of the following amendment to the amendment:

On page 24, line 8 strike "immediately" and insert "May 1, 1976"

POINT OF INQUIRY

Mr. King yielded to question by Mr. Blair.

Mr. Blair: "I think you indicated that you were going to put in all the technical amendments that we adopted to the main bill to be sure that they would be included in your striking amendment if that should be adopted. There was one other amendment by Representative Conner and myself that was adopted yesterday. You do not have it on your list."

Mr. King: "I did not have that on the list because it wasn't considered to be technically necessary for the bill and I have no objection to that amendment; it's just that I haven't put it on. I will be happy to support it if you put it on the desk."

The amendment by Mr. King to page 24, line 8 to the amendment was adopted.

Mr. Amen moved adoption of the following amendment to the King amendment:

On page 9, line 5 after "any" and before "three" insert "consecutive"

Representatives Amen and Leckenby spoke in favor of the amendment to the amendment, and Mr. King spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Amen to the King amendment to Substitute House Bill No. 1405, and the amendment was not adopted by the following vote: Yeas, 33; nays, 57; not voting, 7.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Brown, Chandler, Deccio, Douthwaite, Dunlap, Eng, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Juelling, Kuehnle, Leckenby, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Seeberger, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Becker, Bender, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Eikenberry, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Parker, Perry, Randall, Sawyer, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Adams, Boldt, Bond, Curtis, Flanagan, Lee, Martinis.

Mr. Amen moved adoption of the following amendment to the King amendment:

On page 9, line 27 strike "overtime earnings,"

Mr. Amen spoke in favor of the amendment to the amendment, and Mr. Blair spoke against it.

The amendment to the amendment was not adopted.

On motion of Mr. Conner, the following amendment by Representatives Conner and Blair to the King amendment was adopted:

On page 23, following line 32 insert a new section as follows:

"NEW SECTION. Sec. 13. There is added to chapter 41.18 RCW a new section to read as follows:

If the rank held by a fireman at the time of his disability retirement is thereafter abolished so as to eliminate the salary base upon which disability allowance is to be computed as provided for in RCW 41.18.060, the disability allowance which such fireman is receiving shall thereafter be adjusted annually on the basis of cost of living adjustments in the manner provided for in RCW 41.18.104."

Renumber the remaining sections consecutively.

POINT OF PARLIAMENTARY INQUIRY

Mr. Kuehnle: "The amendment which I placed on the Clerk's desk earlier in the day and which has been distributed is entitled House floor amendment to House Bill No. 1405; I am wondering, if the King amendment is adopted, would this preclude consideration of my amendment which is a striking amendment to strike all the material contained and substituting something else for it? If that is the case, then I would like to offer this as an amendment to the King amendment so that I'm not precluded from asking the House to consider my approach."

The Speaker Pro Tem: "It has been an established practice, Representative Kuehnle, in the House of Representatives and also is supported by several sections of Reed's Rules, one of the main ones, Rule 147, says, 'Whenever a motion to strike out a paragraph is pending, it is in order for the assembly to amend the paragraph, it's friends being entitled to perfect it before the vote on striking it out is taken. This is because if the motion to strike out is negated, it is equivalent to an adoption of the words of the paragraph by the assembly, and it cannot then be modified. Hence it must be amended before the vote on striking out, if at all. For a similar reason the assembly may modify a paragraph proposed to be inserted pending the motion to insert, because when the motion to insert has prevailed the paragraph inserted becomes the decision of the assembly. Hence it must be modified before the insertion, as it cannot be amended after.' It would appear to the Speaker if the amendment by Representative King is adopted, it would preclude you from striking out and inserting your material."

Mr. Kuehnle: "May I then request that my amendment be considered as an amendment to the King amendment?"

The Speaker Pro Tem: "That would appear to be in order if you decided to strike all of Representative King's material and insert yours."

Mr. Kuehnle moved adoption of the following amendment to the King amendment:

On page 1, line 4 after "following" strike the remainder of the King amendment and insert the following:

NEW SECTION. Section 1. To insure that the state take steps to stop the rapidly increasing unfunded liabilities in our several public pension systems and to insure that funding will be available to pay earned benefits to employees who are now members of those systems; to end the payment or promise to pay unequal benefits to employees who perform similar duties; to limit employee retirement benefits to reasonable but adequate levels; to reduce the cost to the taxpayer of public employee retirement income plans; to prevent the major tax increases which will be required to pay for the rapidly escalating costs of existing systems; the legislature declares that it is necessary and proper to create a new retirement system for future public employees.

NEW SECTION. Sec. 2. All retirement systems currently existing under the general laws of the state of Washington shall be closed to new membership as of December 31, 1977 and all members, current and prior, shall be guaranteed the respective benefits of their prior systems. Subsequent to the closure of said systems, an actuarial cost shall be established. From this estimation of cost, the legislature shall determine and implement a method of funding this amount in such a manner as to reinforce the legal guarantee of benefit payments to the affected members.

NEW SECTION. Sec. 3. Prior to July 1, 1977, the legislature shall enact substantive, administrative, and investment provisions of a new retirement system to be known as the Washington state retirement system and which is hereby created. The system shall provide as follows:

(1) The membership of the new system shall include all nonfederal public employees of the state and elected officials first taking office on or after January 1, 1978, except for employees of first class cities operating their own retirement systems on the effective date of this act;

(2) The objective of the new system shall be one of providing to each public employee, after a full working career, a retirement benefit which shall reflect the increasingly important role of the federal social security act and after so doing shall not exceed an amount approximately equal to an employee's net spendable income during his last several years of public employment;

(3) The retirement objective for elected officials first taking office on or after January 1, 1978, shall be the same as that established for employees;

(4) The retirement system shall provide for partial and total disability within the act or by integration with the workmen's compensation laws of the state of Washington;

(5) Early retirement before normal service retirement as shall be defined by the legislature shall be permitted with full actuarial reductions from normal retirement age;

(6) When a contributing system is established, the contributing rates of the employee and the employer shall be equal and adjusted periodically to provide sound funding on an actuarial reserve basis;

(7) A provision for the funding of post-retirement benefits shall be established at the time they are granted;

(8) Administration of the system shall be by a seven member board whose membership shall consist of (a) the director of the office of program planning and fiscal management; (b) the state treasurer; (c) five members appointed by the governor with the consent of the senate;

(9) The system herein established shall be subject to regular valuation and experience investigation and modification as a result thereof;

(10) The legislature is to deliberate all changes in the retirement benefits only after receipt of actuarial data relating to cost.

NEW SECTION. Sec. 4. The legislature hereby authorizes and directs the public pension commission to formulate and develop a model retirement system which shall serve as the basis for the Washington retirement system. The public pension commission shall submit its findings to the legislature not later than January 15, 1977. The commission shall consider all aspects of comprehensive pension consolidation including the administration of a retirement system, shall hold public hearings in order to solicit input from all concerned citizens, shall engage such consultants as it deems necessary, and shall disseminate all necessary explanatory fiscal or policy impact information.

NEW SECTION. Sec. 5. To carry out the provisions of section 4 of this 1976 act there is hereby appropriated from the general fund to the public pension commission the sum of one hundred thirty thousand dollars, or so much thereof as may be necessary.

NEW SECTION. Sec. 6. 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. 7. Sections 1, 2 and 3 of this 1976 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.

NEW SECTION. Sec. 8. Sections 4 and 5 of this 1976 act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Mr. Kuehnle spoke in favor of the amendment, and Mr. Bagnariol spoke against it.

Mr. Curtis demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Adams, Boldt, Bond, Hurley (Margaret), Jueling and Lee.

MOTION

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Kuehnle to the King amendment to Substitute House Bill No. 1405.

Mr. Blair spoke in favor of the amendment to the amendment, and Mr. King spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Mr. Pardini spoke in favor of the amendment.

POINT OF ORDER

Ms. Sommers: "Mr. Speaker, I object. Norm Schut wrote House Bill No. 1407 and Mr. Pardini had better know that if he doesn't know it now."

The Speaker Pro Tem: "In the judgment of the Speaker, Representative Pardini, it might be well to discuss the amendment and why you feel it should be adopted and hold your remarks to the germaneness of the amendment, if that is at all possible."

Mr. Pardini continued his remarks in favor of the amendment to the amendment.

POINT OF PERSONAL PRIVILEGE

Mr. Bagnariol: "Just to clarify the remarks of Representative Pardini—these bills were heard in public; they have input from all the public groups and they were not held in secret."

Mr. Pardini continued.

ADMONITION BY THE SPEAKER

The Speaker Pro Tem: "If you will review and check House Rule 50, it states as follows: 'When any member is about to speak in debate or deliver any matter to the house the member shall rise and, respectfully address the Speaker, pause until recognized, shall confine all remarks to the question under debate, and avoid personalities; and no member shall impugn the motive of any member's vote or argument.' I would hold, Representative Pardini, that you should hold your remarks to the question at hand and the amendment is actually to House Bill No. 1405."

Mr. Pardini closed his remarks in favor of the Kuehnle amendment to the King amendment.

Representatives Haley, Greengo and Freeman spoke in favor of the amendment to the amendment, and Representatives Hurley (George) and Eikenberry spoke against it.

Mr. Charette demanded the previous question, and the demand was not sustained.

Mr. Kuehnle spoke again in favor of the amendment to the amendment, and Mr. Warnke spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kuehnle to the King amendment to Substitute House Bill No. 1405, and the amendment was not adopted by the following vote: Yeas, 31; nays, 60; not voting, 6.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Brown, Chandler, Curtis, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Kuehnle, Leckenby, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Becker, Bender, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Parker, Perry, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn.

Not voting: Representatives Adams, Boldt, Bond, Hurley M., Juelling, Lee.

MOTION

Mr. Curtis moved that the House immediately consider HOUSE BILL NO. 1392 on second reading.

Mr. Curtis spoke in favor of the motion.

ADMONITION BY THE SPEAKER

The Speaker Pro Tem: "I would like to have you confine your remarks to House Bill No. 1392, Representative Curtis."

Mr. Curtis continued in favor of the motion, and Mr. King spoke against it.

Mr. Bender demanded an electric roll call, and the demand was sustained.

Representatives Newhouse, Shinpoch and Blair spoke in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion by Representative Curtis that the House immediately consider House Bill No. 1392 on second reading, and the motion was carried by the following vote: Yeas, 48; nays, 43; not voting, 6.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Becker, Berentson, Blair, Brown, Chandler, Clemente, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Erickson, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Kuehnle, Laughlin, Leckenby, Matthews, Nelson, Newhouse, Osterman, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Shinpoch, Smith R., Sommers, Tilly, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bausch, Bender, Ceccarelli, Charette, Charnley, Cochrane, Conner, Ehlers, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, North, O'Brien, Parker, Perry, Sawyer, Sherman, Smith E. P., Thompson, Valle, Williams, Wojahn.

Not voting: Representatives Adams, Boldt, Bond, Hurley M., Juelling, Lee.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, further consideration of the bills on the second and third reading calendar was deferred and the bills were ordered placed on tomorrow's calendar.

On motion of Mr. Thompson, the House adjourned until 9:00 a.m., Thursday, March 4, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SIXTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, March 4, 1976.

The House was called to order at 9:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bond, Hurley (Margaret) and Williams, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cindy Peterson and Bradley Blackburn. Prayer was offered by the Reverend George M. Mitchell of the First Christian Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

Mr. Thompson demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Bond, Hurley (Margaret) and Williams.

MOTION

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MESSAGE FROM THE SENATE

March 3, 1976

Mr. Speaker:

The Senate refuses to concur with the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3172, and asks the House to recede therefrom, and said bill, together with the House amendments thereto, is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Perry, the House refused to recede from its amendments to Engrossed Substitute Senate Bill No. 3172, and asked the Senate for a conference thereon.

MESSAGE FROM THE SENATE

March 2, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

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 the comma strike everything down 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, Beck; Representatives Bauer, Hayner, Clemente.

MOTION

Mr. Bauer moved that the Conference Committee report be adopted, and that the committee be granted the powers of Free Conference.

Representatives Bauer, Hayner and Dunlap spoke in favor of the motion, and Representatives Charette, Perry and Hurley (George) spoke against it.

Mr. Thompson demanded an oral roll call and the demand was sustained.

Representatives Chandler and Lee spoke in favor of the motion, and Representatives Thompson, Seeberger, Moon, Douthwaite and Fortson spoke against it.

Mr. Charnley demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to adopt the report of the Conference Committee and grant said committee the powers of Free Conference on Engrossed Substitute House Bill No. 1364, and the motion was lost by the following vote: Yeas, 46; nays, 48; not voting, 3.

Voting yea: Representatives Amen, Barnes, Bauer, Berentson, Blair, Chandler, Clemente, Curtis, Deccio, Dunlap, Eikenberry, Erickson, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hendricks, Jastad, Juelling, Kalich, Kuehne, Leckenby, Lee, Matthews, McCormick, Nelson, Newhouse, O'Brien, Osterman, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Shinpoch, Sommers, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Charette, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Eng, Fischer, Fortson; Gaines, Gallagher, Gaspard, Hanna, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Moreau, North, Pardini, Perry, Randall, Sawyer, Seeberger, Sherman, Smith E. P., Smith R., Thompson, Valle, Warnke, Wojahn.

Not voting: Representatives Bond, Hurley M., Williams.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Adams, Bond, Hurley (Margaret), Martinis, Moreau, Sawyer and Williams. Representatives Bond, Hurley (Margaret) and Williams were excused.

Mr. Conner demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Adams, Bond, Hurley (Margaret), Martinis, Moreau, Sawyer and Williams.

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

APPOINTMENT OF CONFEREES

The Speaker Pro Tem appointed Representatives Perry, McCormick and Berentson as conferees on Engrossed Substitute Senate Bill No. 3172.

MOTION FOR RECONSIDERATION

Mr. Pardini, having voted on the prevailing side, moved that the House now reconsider the vote by which the House refused to grant the powers of Free Conference on Engrossed Substitute House Bill No. 1364.

POINT OF ORDER

Mr. Charette: "After the number of days that we have been here, I believe there has been intervening business between the time that vote was taken and the time the motion was made."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Reed's Rule 205 states, 'A motion to reconsider must be made on the day on which the action sought to be revised was had, and before any action has been taken by the assembly in consequence of it.' The Speaker has ruled on one other occasion that action in consequence of it would be an action whereby a bill would be rereferred or passed to the Rules Committee or some action has been taken where the bill would no longer be with the body. In the instant case the message is still here and the motion is still before us. The action and the request are still with us."

Mr. Pardini spoke in favor of the motion.

Mr. Bender demanded an oral roll call and the demand was sustained.

Mr. Barnes spoke in favor of the motion to reconsider, and Representatives King and Charette spoke against it.

POINT OF ORDER

Mr. Matthews: "Mr. Speaker, the gentleman from Aberdeen has already spoken for four minutes and fifteen seconds on this issue. I believe we have a three-minute rule and I would appreciate the Speaker making the slippery-tongued man from Aberdeen abide by that as well."

POINT OF PERSONAL PRIVILEGE

Mr. Charette: "Mr. Speaker and members of this House, I think it's time that something was said under a point of personal privilege. Now if any member of this House thinks that I am being slippery-tongued when I'm talking about the rights of one citizen in the state of Washington, then I take that as a personal insult to me. Under the point of personal privilege I would remind you that there are ninety-eight people elected to the House of Representatives and they should keep that in mind. I think there are some honest differences of opinion on this bill and I certainly have not accused anybody of being slippery-tongued or of having had their arms twisted by any lobbyist, but it's time that we started looking at what is going on."

Mr. Newhouse spoke in favor of the motion, and Mr. Seeberger spoke against it.

POINT OF INQUIRY

Mr. Seeberger yielded to question by Mr. Deccio.

Mr. Deccio: "I believe you've taught in your working career and your wife is now teaching, could you give me some examples of the kinds of situations that would have occurred had this law been in effect during the time that you were teaching?"

Mr. Seeberger: "I think your main point was to try to point out that I had taught and that somehow that tars me and that my wife teaches and that somehow that tars me and will change my vote or affect my vote. The point of fact, let me give you an example—"

Mr. Deccio: "Mr. Speaker, I asked the gentleman an intelligent question and I didn't mean anything personal. I wanted him to give us his own experience."

The Speaker Pro Tem: "Representative Deccio, I would like you to take the floor and make a speech or anything you want, but eliminate the questions."

Mrs. Hayner spoke in favor of the motion to reconsider the vote by which the House refused to grant the powers of Free Conference on Engrossed House Bill No. 1364.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "In the event that the motion before us to reconsider should fail, is Substitute House Bill No. 1364 still alive and before this body in some way, shape or form?"

The Speaker Pro Tem: "The bill is still pending before the Conference Committee. The Conference Committee is still in effect."

Mr. Pardini: "In the event that we do reconsider and the power of Free Conference is not given to this committee, could another Conference Committee be appointed to work on this same bill?"

The Speaker Pro Tem: "Yes, after the first Conference Committee moved to discharge itself."

Mr. Pardini closed debate, speaking in favor of the motion to reconsider.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which the House refused to grant powers of Free Conference to the Conference Committee on Engrossed Substitute House Bill No. 1364, and the motion was lost by the following vote: Yeas, 44; nays, 46; not voting, 7.

Voting yea: Representatives Amen, Barnes, Bauer, Berentson, Blair, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Erickson, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hendricks, Jastad, Jueling, Kalich, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Shinpoch, Sommers, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, North, O'Brien, Osterman, Perry, Randall, Seeberger, Sherman, Smith E. P., Smith R., Thompson, Valle, Warnke, Wojahn.

Not voting: Representatives Adams, Bond, Hurley M., Martinis, Moreau, Sawyer, Williams.

MOTION

On motion of Mr. Thompson, Representatives Bagnariol, Deccio, Gaines, Perry and Wojahn were excused from the Call of the House.

REPORTS OF STANDING COMMITTEES

March 1, 1976

SECOND SUBSTITUTE HOUSE BILL NO. 93, Prime Sponsor: Representative Haussler, requiring uniform jail standards. Reported by Committee on Ways and Means.

MAJORITY recommendation: The fourth substitute bill be substituted therefor and the fourth substitute bill do pass. Signed by Representatives Shinpoch, Chairman - Appropriations; Randall, Chairman - Revenue; Amen, Bauer, Blair, Boldt, Ehlers, Erickson, Freeman, Gaspard, Hawkins, Hurley (George), Kilbury, May, McKibbin, Moon, Moreau, Newhouse, Polk, Smith (Edward), Smith (Rick), Sommers, Thompson, Valle.

MINORITY recommendation: Do not pass. Signed by Representative Kuehnle.

To Committee on Rules for second reading.

March 4, 1976

HOUSE JOINT RESOLUTION NO. 28, Prime Sponsor: Representative Savage, establishing annual sessions of 100 days maximum. Reported by Committee on Constitution and Elections.

MAJORITY recommendation: The substitute resolution be substituted therefor and the substitute resolution do pass. Signed by Representatives Hawkins, Chairman; Fortson, Vice Chairwoman; Erickson, King, Knowles, Osterman.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, Representatives Bauer, Clemente and Hayner were excused from the Call of the House.

POINT OF ORDER

Mr. Newhouse: "Mr. Speaker, we have no conferees, that motion that just passed that we refused to accept the report of the Conference Committee means that we don't have any."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "We still have the conferees; you just didn't grant the conferees the powers of Free Conference."

Mr. Newhouse: "Their report, Mr. Speaker, was that they were unable to agree and requested the powers of Free Conference. It was a conference report which we did not accept."

The Speaker Pro Tem: "That's true, but the committee is still alive."

Mr. Martinis appeared at the bar of the House.

SECOND READING

HOUSE BILL NO. 1392, by Representatives Newhouse, Freeman, Hansey, Flanagan, Curtis, Matthews, Hayner, Patterson, Gilleland, Pardini and Greengo:

Establishing a new retirement system for certain public employees.

The bill was read the second time.

The Clerk read the following amendment by Representative Newhouse:

On page 24, beginning with line 7 strike the entire new section and insert the following:

"**NEW SECTION.** Sec. 45. The legislature recognizes the need for a retirement program which addresses the distinct needs of the law enforcement officers and fire fighters in Washington state. The legislature finds that such a retirement program will represent a contractual obligation on the part of public employers within the state of Washington and declares that a retirement program for law enforcement officers and fire fighters must guarantee the unencumbered payment of benefits to retired law enforcement officers and fire fighters while permitting the state to maintain fiscal integrity as required by the Constitution.

The legislature further declares that a comprehensive retirement program for law enforcement officers and fire fighters should recognize the heterogeneous application of the federal social security program. Consequently, one basis of the special risk retirement system shall be the supplementation of federal social security retirement and disability benefits which are applicable to eligible members of the special risk retirement system. The other basis of the special risk retirement system shall be the payment of a complete retirement allowance for those members who are not eligible for federal social security while members of the special risk retirement system.

Since the special risk retirement system will provide only retirement allowances, the legislature declares that the primary burden for covering financial obligations of the members which result from either duty or nonduty disability shall be borne by the federal social security program as applicable to eligible members, workmen's compensation, or such other disability coverage which might be provided by either employer or employee. The legislature also declares that members who heretofore were not covered by industrial insurance coverage as provided for in Title 51 RCW shall be covered on January 1, 1977. Nevertheless, a member shall receive the member's rightful retirement allowance in the event of disability.

It is the intent of the legislature that the provisions of this chapter shall be compulsory only to those law enforcement officers and fire fighters who begin work for public employers on or after January 1, 1977. This chapter contains provisions for members of the existing law enforcement officers' and fire fighters' retirement system and the state patrol retirement system to transfer into the special risk retirement system during a limited enrollment period.

The enactment of this chapter shall not impair the obligation of contracts in existence on January 1, 1977, in any manner whatsoever.

NEW SECTION. Sec. 46. Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

- (1) 'Retirement system' means the special risk retirement system provided for in this chapter.
- (2) 'Retirement board' means the board created in section 5 of this act.
- (3) 'Employer' means:

(a) The state of Washington for law enforcement officers employed under the provisions of chapter 43.43 RCW;

(b) The legislative authority of any city, town, county, or district that employs law enforcement officers and/or fire fighters;

(c) The elected officials of any municipal corporation that employs any law enforcement officers and/or fire fighters.

(4) 'Law enforcement officer' means any person performing full time creditable service for an employer in one of the following positions:

(a) As an officer of the Washington state patrol;

(b) As a sheriff;

(c) As a deputy sheriff;

(d) As a director of public safety;

(e) As a county police officer;

(f) As a city police officer;

(g) As a town marshal; or

(h) As a deputy town marshal.

(5) 'Officer of the Washington state patrol' means a commissioned officer having the powers and duties set forth in RCW 43.43.030.

(6) 'Sheriff' means the elected county official vested with the powers set forth in RCW 36.28.010.

(7) 'Deputy sheriff' means all persons vested with the powers set forth in RCW 36.28.010 who are within the classified civil service under the provisions of chapter 41.14 RCW and all persons in the unclassified service as set forth in RCW 41.14.070 (2), (3), and (4), except a private secretary.

(8) 'Director of public safety' means the person performing the duties of a sheriff under the provisions of a county charter.

(9) 'County police officer' means a person performing the duties of a deputy sheriff under the provisions of a county charter.

(10) 'City police officer' means persons who have been appointed to offices, positions, or ranks in a police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by an ordinance enacted by the legislative body of a city.

(11) 'Fire fighter or fireman' means a person whose principal training and duties relate to the prevention of fires and other usual and ordinary duties associated with the operation of a fire department and who is performing full time creditable service for an employer operating a full time fire department regardless of whether or not such department requires fire fighters to pass a civil service examination.

(12) 'Member' means any person included in the membership of the retirement system, as provided for in section 48 of this act, regardless of whether such person is a Class I or a Class II member.

(13) 'Class I member' means a law enforcement officer or fire fighter employed by an employer covered by the provisions of the federal social security act.

(14) 'Class II member' means a law enforcement officer or fire fighter employed by an employer not covered by the provisions of the federal social security act.

(15) 'Compensation' means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service (internal revenue service form W-2 or any similar form).

(16) (a) 'Full time creditable service' means periods of employment by a member to an employer for which compensation is earned for one hundred fifty hours or more per calendar month for twelve months per year.

Only months of full time creditable service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

Years of full time creditable service shall be determined by dividing the total number of months of full time creditable service by twelve.

Any fraction of a year of full time creditable service as determined by the retirement board shall be taken into account in the computation of retirement allowances or benefits.

If a member receives compensation from two or more employers during any calendar year for full time creditable service such member shall receive a total of not more than twelve months of full time creditable service.

(b) 'Part time creditable service' means periods of employment by a member to an employer for which compensation is earned for less than six hours per calendar day for less than twenty days per calendar month, but such employment shall be for a minimum period of at least ten calendar days per calendar month.

Only months of part time creditable service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

Years of part time creditable service shall be determined by dividing the total number of months of part time creditable service by twenty-four.

Any fraction of a year of part time creditable service as determined by the retirement board shall be taken into account in the computation of retirement allowances or benefits.

If a member receives compensation from two or more employers during any calendar year for either full or part time employment such member shall receive a total of not more than twelve months of full time creditable service.

(17) 'Prior creditable service' means all service for which a member earned retirement credit under the provisions of chapter 41.26 RCW.

(18) 'Beneficiary' means any person receiving a retirement allowance or other benefit provided by this chapter.

(19) 'Regular interest' means such rate of interest as the retirement board may determine.

(20) 'Accumulated contributions' means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(21) 'Average final compensation' means the member's average annual compensation of the best consecutive thirty-six month period of the last ten years of full time creditable service prior to such member's retirement, termination, or death. If a member has less than five years of full time creditable service then such member's average final compensation shall be the annual average compensation earned by the member for the member's total years of service. The term 'average final compensation' shall not include any of the following:

(a) Payments for: (i) Deferred compensation; (ii) unused sick leave; (iii) accumulated vacation or annual leave; or (iv) other credits for personal services not rendered;

(b) Any form of termination or severance pay;

(c) Any additional compensation paid in anticipation of retirement.

(22) 'Retirement allowance' means monthly payments to a beneficiary as provided for in this chapter.

(23) 'Actuarial equivalent' means a benefit of equal value when computed upon the basis of mortality and other tables as may be adopted by the retirement board.

(24) 'Retirement' means the date on which a member withdraws from employment with an employer and becomes eligible for the retirement allowance as provided for in this chapter.

(25) 'Leave of absence' means the period of time a member is authorized by the employer to be absent from either full time or part time creditable service without being separated from membership.

(26) 'Sick leave' means the period of time a member accrues on a regular basis as determined by the employer during which a member continues to receive compensation for either full time or part time creditable service although such member is prevented from performing services for the employer due to disease, illness, injury, or accident.

(27) 'In the line of duty' means the performance of all services, work, or labor regularly required of law enforcement officers and fire fighters by an employer and shall include services of an emergency nature while off regularly scheduled duty.

(28) 'State actuary' means a person qualified by education and experience in the field of actuarial science and who is employed or otherwise retained by the retirement board to determine the status of the assets and liabilities of the Washington retirement system and the special risk retirement system and to perform such other duties as are assigned by the retirement board.

NEW SECTION. Sec. 47. The special risk retirement system is hereby created.

NEW SECTION. Sec. 48. Membership in the special risk retirement system shall be compulsory for all persons who become employed as law enforcement officers or fire fighters by an employer for the first time in a position requiring either full time or part time creditable service on or after January 1, 1977.

NEW SECTION. Sec. 49. The retirement board shall be responsible for the administration and management of the special risk retirement system.

NEW SECTION. Sec. 50. (1) There are hereby established in the state treasury two separate funds:

(a) The special risk retirement system fund, into which shall be paid all moneys received by the retirement board and from which shall be paid all refunds, adjustments, retirement allowances, and other benefits provided for in this chapter. All contributions by members to the special risk retirement system expense fund as provided in section 72 of this act and contributions by employers for the expense of operating the retirement system as provided for in this chapter shall be transferred by the state treasurer from the special risk retirement system fund to the special risk retirement system expense fund upon authorization of the retirement board; and

(b) The special risk retirement system expense fund, from which shall be paid the expenses of the administration of the retirement system.

(2) In order to reimburse the special risk retirement system expense fund on an equitable basis the retirement board shall, after crediting the estimated amount to be collected as employees' contributions, ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The retirement board shall compute and bill each employer at the end of each month for the amount due for that month to the special risk retirement system expense fund, and the same shall be paid by each employer. Such computation as to each such employer shall be made on a percentage rate of salary established by the board. The retirement board may at its discretion establish a system of billing based upon calendar year quarters, in which event the said billing shall be at the end of each such quarter.

(4) For the purpose of providing amounts to be used to defray the cost of such administration, the retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the special risk retirement system expense fund sufficient to cover estimated expenses for the said biennium.

NEW SECTION. Sec. 51. For the purpose of the internal accounting record of the retirement board and not the segregation of moneys on deposit with the state treasurer there are hereby created the special risk retirement system savings fund, the special risk retirement system benefit account fund, and the special risk retirement system income fund.

(1) The special risk retirement system savings fund shall consist of the contributions made by the members. The retirement board shall provide for the maintenance of an individual account for each member of the retirement system showing the amount of the member's contributions together with accumulated interest. The contributions returned to a member upon such member's withdrawal from employment with an employer or paid in event of such member's death, as provided in this chapter, shall be paid from such fund. Any accumulated contributions forfeited by failure of a member or such member's estate to claim the same as provided for in this chapter shall be transferred from the special risk retirement system savings fund to the special risk retirement system income fund. The accumulated contributions of a member, upon the commencement of such member's retirement, shall be transferred from the special risk retirement system savings fund to the special risk retirement system benefit account fund.

(2) The special risk retirement system benefit account fund shall consist of the reserves for the payment of all retirement allowances and death benefits in respect of any beneficiary. The amounts contributed by the employer to provide retirement benefits shall be credited to such fund. The special risk retirement system benefit account fund shall be the fund from which shall be paid all retirement allowances for which reserves have been transferred from the special risk retirement system savings fund to the special risk retirement system benefit account fund. At the time a beneficiary of a retirement allowance again becomes a member there shall be transferred from the special risk retirement system benefit account fund to the special risk retirement system savings fund and credited to the individual account of such a member a sum that shall be equal to the excess, if any, of such member's individual account at the date of such member's retirement over any full time creditable service retirement allowance received since that date.

(3) A special risk retirement system income fund is hereby created for the purpose of crediting interest on the amounts in the various other funds with the exception of the special risk retirement system expense fund, and to provide a contingent fund out of which special requirements of any of the other funds may be covered. Transfers for such special requirements shall be made only when the amount in the special risk retirement system income fund exceeds the ordinary requirements of such fund as evidenced by a resolution of the retirement board recorded in its minutes. The retirement board shall credit interest compounded quarterly to each of the funds enumerated in subsections (1) and (2) of this section, and the amount so credited shall be due and payable to said funds and shall be reported on the previous quarterly balance by the retirement board and paid from the income fund.

All accumulated contributions in the account of a terminated member and unclaimed after the expiration of fifteen years from the date of such termination, except as provided in section 55(3) of this act, shall become an integral part of the special risk retirement system income fund. All income, interest, and dividends derived from the deposits and investments authorized by this chapter shall be paid into the special risk retirement system income fund with the exception of interest derived from sums deposited in the special risk retirement system expense fund.

The board shall have sole discretion to determine the amount of interest to be credited to the special risk retirement system savings fund, which will thereupon be credited as regular interest to the individual members' accounts.

NEW SECTION. Sec. 52. Every member, within thirty days of becoming employed by an employer, shall submit to the retirement board a statement containing the member's name, sex, title, compensation, duties, date of birth, and such other information as the retirement board may require. Compliance with this section shall be considered to be a condition of employment by an employer, and failure by a member to comply may result in termination of employment with the employer.

NEW SECTION. Sec. 53. Every member, except a sheriff, shall meet minimum medical and health standards as set by the retirement board.

The retirement board shall initially adopt the minimum medical and health standards in effect under the provisions of chapter 41.26 RCW on January 1, 1977.

It is the intent of the legislature that employers shall not employ law enforcement officers or fire fighters who cannot meet the minimum medical and health standards.

NEW SECTION. Sec. 54. In adopting the minimum medical and health standards required by section 53 of this act the retirement board may consider existing standards recommended by the international association of chiefs of police, the international association of fire fighters, or any other organization which publishes relevant data on this subject. The standards adopted shall insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer. The retirement board shall amend the minimum medical and health standards as experience requires.

NEW SECTION. Sec. 55. Should any member die while not in the line of duty, or should a member separate or be separated from employment by an employer without leave of absence before attaining age fifty-five, such a member shall thereupon cease to be a member of the Washington retirement system except:

(1) As provided in section 56 of this act;

(2) A member not previously retired who reenters either full time or part time creditable service shall be returned to membership status upon completion of six months of continuous service for an employer

and upon the restoration of all withdrawn contributions with interest since the time of withdrawal as computed by the retirement board. The restoration of all withdrawn contributions with interest must be completed within a total period of five years of full time creditable service or ten years of part time creditable service following the member's first resumption of employment;

(3) A member who separates or has separated after having completed at least five years of full time creditable service or ten years of part time creditable service shall remain a member during the period of such member's absence from either full time or part time creditable service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age fifty-five if such member maintains the member's accumulated contributions intact.

NEW SECTION. Sec. 56. (1) A member who has served or shall serve on active federal service in the military forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of absence if such member has resumed or shall resume employment for an employer within one year from termination of military service. Upon resumption of employment for an employer, the retirement board, subject to rules promulgated by it, shall grant the member either full time or part time creditable service for the period of the military leave of absence.

(2) If such member has applied or shall apply for reinstatement of employment, within one year from termination of the military service, and is refused employment for reasons beyond the member's control, such member shall, upon resumption of service within ten years have such service credited to the member.

NEW SECTION. Sec. 57. Any member of the special risk retirement system shall receive full time creditable service for an authorized leave of absence with compensation subject to the rules of the retirement board. Full time creditable service for an authorized leave of absence without compensation may be obtained by a member if such member pays both the employer and member's contributions for the period of absence subject to the rules of the retirement board.

NEW SECTION. Sec. 58. Any member with at least five years of full time creditable service or ten years of part time creditable service who has attained age fifty-five shall retire upon written application to the retirement board. If a member who has attained age fifty-five possesses special skill in the performance of particular duties the retirement board may authorize such member to continue in either full time or part time creditable service for such period or periods as may be applied for by such member's employer.

All applications required by this section shall set forth the date, which shall be not more than ninety days subsequent to the execution and filing thereof, upon which the member desires to be retired.

NEW SECTION. Sec. 59. A Class I member of the special risk retirement system shall receive a retirement allowance equal to 1.15 percent of such member's average final compensation for each year of full time or part time creditable service.

NEW SECTION. Sec. 60. A Class II member of the special risk retirement system shall receive a retirement allowance equal to 2.0 percent of such member's average final compensation for each year of full time or part time creditable service.

NEW SECTION. Sec. 61. Upon application for a retirement allowance under the provisions of section 58 of this act, a member shall elect one of the options set forth in this section, calculated so as to be actuarially equivalent to each other.

(1) **OPTION A.** A member selecting this option shall receive a retirement allowance payable throughout such member's life. However, if the member dies before the total of the retirement allowance paid to such member equals the amount of such member's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the member's life as the member shall have nominated by written designation duly executed and filed with the retirement board; or if there be no such designated person or persons still living at the time of the member's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the member's legal representative.

(2) **OPTION B.** A member who selects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the member's life as the member shall have nominated by written designation duly executed and filed with the retirement board at the time of the member's retirement.

(3) **OPTION C.** A member who selects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the member's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the member's life as the member shall have nominated by written designation duly executed and filed with the retirement board at the time of the member's retirement.

NEW SECTION. Sec. 62. Retirement allowances paid to beneficiaries under the provisions of this chapter shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from employment.

NEW SECTION. Sec. 63. The legislature hereby authorizes and directs each employer of law enforcement officers and fire fighters to establish at their own expense a program whereby law enforcement officers and fire fighters shall accrue paid sick leave at the minimum rate of at least one day per month for each month of full time employment as defined by the employer. The employer may establish the maximum amount of unused paid sick leave that a member may accrue, but such maximum shall not be less than one hundred thirty-two working days as defined by the employer. A member shall utilize such member's accrued sick leave prior to receiving the retirement allowance provided for in section 66 of this act. An employer shall grant paid sick leave to a member up to the maximum amount the member has accrued so that a member can become eligible for the retirement allowance provided for in section 66 of this act.

NEW SECTION. Sec. 64. (1) All employers shall provide industrial insurance coverage pursuant to the provisions of Title 51 RCW for all members of the retirement system.

(2) The department of labor and industries is hereby authorized and directed to promulgate rules pursuant to chapter 34.04 RCW to implement the provisions of subsection (1) of this section.

NEW SECTION. Sec. 65. A member of the special risk retirement system who becomes totally incapacitated for continued employment by an employer, subject to rules promulgated by the retirement board and the department of labor and industries shall be eligible to retire under the provisions of this chapter. Such member's monthly retirement allowance shall be computed as provided for in sections 59 or 60 of this act, whichever is applicable, and shall be paid as provided for in section 61 of this act, and shall be adjusted to reflect the longer period of time over which such allowances are expected to be paid.

Any member who retires under the provisions of this section shall be subject to at least two comprehensive medical examinations per year as determined by the board. If such medical examinations reveal that such a member has recovered from the member's disability and the member does not forthwith reenter the employment of an employer in suitable work as defined by rules of the department of labor and industries such member shall cease to be eligible for retirement under the provisions of this section and such member shall be paid the excess, if any, of the member's accumulated contributions over the total of the retirement allowances received up to the date of recovery and shall cease to be a member of the special risk retirement system.

NEW SECTION. Sec. 66. Retirement allowances paid to members who retire under the provisions of section 65 of this act shall not be affected in any manner whatsoever by the application of workmen's compensation or similar laws or rules.

NEW SECTION. Sec. 67. A member who ceases to be an employee of an employer may request upon a form provided by the retirement board a refund of all the funds standing to the member's credit in the special risk retirement system savings fund, and such amount shall be paid to the member under the provisions of section 70 of this act.

NEW SECTION. Sec. 68. (1) Should a member die before retirement, the amount of the accumulated contributions standing to such member's credit in the special risk retirement system savings fund at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the retirement board. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the special risk retirement system savings fund shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representative.

(2) Upon death while employed by an employer of any member who is qualified but has not applied for a retirement allowance or has completed at least five years of full time creditable service or ten years of part time creditable service at the time of death, and who has designated a beneficiary, the designated beneficiary shall automatically receive a retirement allowance under the provisions of Option B of section 61 of this act as if selected for the benefit of the surviving spouse, except that if the member is not then qualified for a service retirement allowance, such Option B benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a retirement allowance.

NEW SECTION. Sec. 69. The retirement board may, in its discretion, withhold payment of all or part of a member's contributions for not more than six months after a member has ceased to be an employee of an employer. Termination of employment with one employer for the purpose of accepting employment with another employer or termination with one employer and reemployment with the same employer within a period of thirty days shall not qualify a member for a refund of the member's accumulated contributions. In addition, a member who files an application for a refund of the member's accumulated contributions and subsequently becomes employed in an eligible position before the expiration of thirty days or before a refund payment has been made, shall not be eligible for such refund payment.

NEW SECTION. Sec. 70. A member who has previously retired under the provisions of section 65 of this act shall again become a member of the retirement system from the date of employment by an employer. Such a member shall contribute to the retirement system in the same manner as prior to the disability retirement. Any full time or part time creditable service, on the basis of which a member's retirement allowances were computed at the time of retirement, shall be restored to full force and effect.

NEW SECTION. Sec. 71. (1) On and after January 1, 1977, each Class I member of the special risk retirement system shall contribute a percentage of the Class I member's payroll period compensation as required by the retirement board based on information provided by the state actuary. The percentage rate of contribution shall always be equal for both the Class I member and the employer. The percentage rate of contribution may include a specific increment which shall reduce the projected level of unfunded liability if the state actuary determines that such an additional increment is necessary. The percentage rate of contribution shall be computed annually and may be increased or decreased as determined by the state actuary.

(2) On and after January 1, 1977, each member of the special risk retirement system shall contribute a percentage of the Class II member's payroll period compensation as required by the retirement board based on information provided by the state actuary. The percentage rate of contribution shall always be equal for both the Class II member and the employer. The total percentage of contribution shall consist of:

(a) The same percentage rate of contribution as for Class I members; and (b) an amount equal to the dollar

contributions which Class I members contribute to the federal social security program. In addition, the percentage rate of contribution may include a specific increment which shall reduce the projected level of unfunded liability if the state actuary determines that such an increment is necessary.

The percentage rate of contribution shall be computed annually and may be increased or decreased as determined by the state actuary.

The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period the contribution required by this section.

A special risk retirement system expense fund contribution of two dollars and fifty cents per annum shall be transferred in semiannual payments of one dollar and twenty-five cents from each member's account balance in the special risk retirement system employees' savings fund to the retirement expense fund account.

NEW SECTION. Sec. 72. (1) On and after January 1, 1977, contributions by the employer of a Class I member for retirement allowances under the special risk retirement system shall consist of a percentage of the compensation of each Class I member for each and every payroll period as required by the retirement board based on information provided by the state actuary. The percentage rate of contribution shall always be equal for both the Class I member and the employer. The percentage rate of contribution may include a specific increment which shall reduce the projected level of unfunded liability if the state actuary determines that such an additional increment is necessary. The percentage rate of contribution shall be computed annually and may be increased or decreased as determined by the state actuary.

(2) On and after January 1, 1977, contributions by the employer of a Class II member for retirement allowances under the special risk retirement system shall consist of a percentage of the compensation of each Class II member for each and every payroll period as required by the retirement board based on information provided by the state actuary. The percentage rate of contribution shall always be equal for both the Class II member and the employer. The total percentage of contribution shall consist of: (a) The same percentage rate of contribution as for Class I employers; and (b) an amount equal to the dollar contributions which Class I employers contribute to the federal social security program. In addition, the percentage rate of contribution may include a specific increment which shall reduce the projected level of unfunded liability if the state actuary determines that such an increment is necessary. The percentage rate of contribution shall be computed annually and may be increased or decreased as determined by the state actuary.

NEW SECTION. Sec. 73. The deductions provided for in section 72 of this act from the compensation of members shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall consent and agree to the deductions made and provided for in this chapter and shall receipt in full for compensation, and payment less said deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to retirement allowances provided for under this chapter.

NEW SECTION. Sec. 74. The officer responsible for making up the payroll shall transmit promptly to the retirement board at the end of each and every payroll period a copy of the original payroll voucher or such other payroll report as the retirement board may require showing thereon all deductions for the special risk retirement system made from the compensation of each member, together with warrants or checks covering the total of such deductions. The retirement board after making a record of all such receipts shall pay them to the state treasurer for use according to the provisions of this chapter and sections 1 through 37 of this act.

NEW SECTION. Sec. 75. (1) The retirement board shall ascertain and report to each employer the amount it shall provide for contributions for the ensuing biennium or fiscal year, whichever is applicable to the said employer's operations. The amount to be so provided shall be computed by applying the percentage rates of contributions required by section 72 of this act to an estimate of the total compensation of all the said employer's members during the period for which provision is to be made.

(2) The retirement board shall bill each employer at the end of each month for the amount due for that month, and the same shall be paid by each employer. The retirement board may, at its discretion, establish a system of billing based upon calendar year quarters, in which event the billing shall be at the end of each such quarter and shall be based upon the employer's payrolls for that quarter.

(3) In the event of failure for any reason, of an employer to have remitted amounts due for membership of any of the employer's members rendered during a prior biennium, the retirement board shall bill such employer through the director of the office of program planning and fiscal management for such employer's contributions. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for payment of current biennial payrolls. If any such employer shall fail or refuse to honor such a billing, the director of the office of program planning and fiscal management shall cause the same to be paid from any appropriated funds for payroll purposes under the control of the director of the office of program planning and fiscal management.

NEW SECTION. Sec. 76. The right of a person to a retirement allowance, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of employees of employers in accordance with rules that may be promulgated by the retirement board.

This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired members, if a total of three hundred or more of such retired members have authorized such deduction for payment to the same retirement association or organization.

NEW SECTION. Sec. 77. Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than such member or beneficiary would have been entitled to receive had the records been correct, the retirement board shall correct such error, and, as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

NEW SECTION. Sec. 78. Any person who shall knowingly make any false statements or who shall falsify or permit to be falsified any record or records of the special risk retirement system in any attempt to defraud the retirement system shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 79. (1) Between January 1, 1977, and June 30, 1977, any employee who is an active member of the retirement system created by chapter 41.26 RCW or chapter 43.43 RCW may irrevocably elect to become a member of the special risk retirement system.

(2) Every employee who elects to transfer shall file notice with the director or administrator of the prior system or prior systems and with the retirement board. Upon receipt of such notice the director or administrator of such prior system or prior systems shall have computed the employee's prior creditable service, accumulated required contributions, and the accumulated required employer contributions made on behalf of the employee.

(3) Monthly, or at a different time interval as determined by the retirement board, the director or administrator of the prior system or prior systems shall transfer to the retirement board assets equal in value to the sum of the required contributions of both the employee and employer as computed for each employee transferring during the period, together with interest thereon as determined by the most recent actuarial valuation of such prior system or prior systems.

(4) Transfer of the assets as provided for in subsection (3) of this section and receipt of notice by the director or administrator and by the board shall establish the employee's membership in the special risk retirement system and shall terminate such employee's membership and rights to all benefits under the prior system or prior systems to which the employee or the employee's beneficiaries would otherwise have been entitled prior to transferring into the special risk retirement system. An employee who transfers pursuant to this section shall be granted full time creditable service in the special risk retirement system equal to that established under the prior system or prior systems.

NEW SECTION. Sec. 80. No member who is a beneficiary under the provisions of this chapter shall be eligible to receive such member's monthly retirement allowance if such member is performing either full time or part time creditable service for any state or local governmental employer for more than a total duration of eight hundred hours in a calendar year. In any event such a member shall not:

- (1) Be eligible to accrue additional full time or part time creditable service;
- (2) Be required to make contributions or have the employer make contributions on such member's behalf.

Upon cessation of either full time or part time creditable service which exceeds a total duration of more than eight hundred hours in a calendar year for any state or local governmental employer such beneficiary shall have benefits actuarially recomputed pursuant to the rules adopted by the retirement board and payment of the beneficiary's retirement allowance shall be resumed.

NEW SECTION. Sec. 81. There is added to chapter 41.26 RCW a new section to read as follows:

On and after January 1, 1977, the retirement system created by this chapter shall be closed to new members, and the provisions of this chapter shall apply only to persons first establishing membership in the retirement system prior to January 1, 1977, and to the beneficiaries of such persons.

NEW SECTION. Sec. 82. There is added to chapter 43.43 RCW a new section to read as follows:

On and after January 1, 1977, the retirement system created by this chapter shall be closed to new members, and the provisions of this chapter shall apply only to persons first establishing membership in the retirement system prior to January 1, 1977, and to the beneficiaries of such persons.

NEW SECTION. Sec. 83. The legislature finds that the retirement system provided for in sections 45 through 80 of this act constitutes a single integrated plan for a retirement system for employees of employers. In the event any section or sections of sections 45 through 80 of this act are declared to be invalid, it is the intention of the legislature that such section or sections are nonseverable and sections 45 through 80 shall be of no further force and effect whatsoever.

NEW SECTION. Sec. 84. Sections 45 through 80 of this act and sections 83 and 85 of this act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 85. Sections 1 through 84 of this 1976 act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general elections to be held in this state, in accordance with the provisions of section 7, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

POINT OF ORDER

Mr. Smith (Rick): "Mr. Speaker, this amendment has not been accompanied by an actuarial report as required under House Rule 26."

Mr. Newhouse: "You might also raise the point of order, Mr. Smith, that the basic bill has not nor has the amendment by Representative Sommers."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Newhouse, I'm going to read in part, Rule 26: 'Provided that any such bill, joint or concurrent resolution or amendment to the bill, joint or concurrent resolution under consideration, which an actuary has determined would reduce costs to the system or systems or which has no fiscal impact on the system or systems, shall be exempt from the provisions of such rule.' Your amendment would require, according to this rule, an actuary report, so we can determine whether or not it reduces costs. We don't have it, so Representative Smith's point of order is well taken and I'm going to rule the amendment out of order at this time."

POINT OF ORDER

Mr. Newhouse: "I am the prime sponsor of the House bill in question; the bill reposed in the committee all these many days, about six weeks; that bill has come out of committee and is before us and I see no actuary report from the committee. I have no actuary in my employ; this amendment is an amendment to that basic bill and I will disagree with your ruling on whether an amendment requires an actuary report even according to the rule as amended. Obviously, we are talking about the LEOFF system, which now costs the state 49.5% of payroll—"

ADMONITION BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "You are not to debate the merits of this bill, you are to debate the merits of your amendment. The question, Representative Newhouse, is whether or not you are within the rule. The rule specifically states and it requires an actuary report for an amendment the same as a bill, and what you have here is an amendment, and according to our rules it requires an actuary report. It is very clear."

POINT OF PARLIAMENTARY INQUIRY

Mr. Curtis: "What procedure then does a member use when he, as in the case of Representative Newhouse, introduces a bill affecting the pension system; that bill is not considered in committee in terms of an actuarial evaluation and yet the vehicle is used by bringing it to the floor and attempting to offer as a substitute? It puts the person in an untenable situation unless he wants to go the expense of an actuary on his own in order to examine his bill. How does an individual go about getting an actuarial report on either that original bill, which as Representative Newhouse has pointed out languished in committee for some six weeks, without an actuarial report, and yet that vehicle is being used and is in front of us now? It seems to me to be between a rock and a hard place, and I wonder what the procedure is?"

The Speaker Pro Tem: "All we are doing, Representative Curtis, is interpreting the rule. The rule was adopted by the House relative to proposed changes to public pension programs. It would appear that the procedure has been to secure an actuarial report. I've seen some of them under their letterheads. We do have reports by actuaries."

Mr. Blair: "I believe a significant point has been raised in regard to pension legislation and with the permission of the House, I would like to respond to the point raised by Representative Curtis. A very legitimate point has been raised as to the responsibilities of a particular member of the legislature in securing the necessary actuarial reports applied to Rule 26 when they introduce any legislation of significance dealing with pensions. Actuaries are professional individuals as lawyers and doctors, they are not readily found loitering in the halls of the legislature; their services, when obtained, are rather costly, particularly those of the more competent. It would be unreasonable to expect every member of the legislature when contemplating pension legislation to first go as a private citizen to an actuary and ask them to evaluate what they have done and pay them for that service. It is reasonable to expect that any pension legislation introduced into this House would be referred to a committee, hopefully a committee that is specializing in pension legislation, and that committee should make some sort of preliminary evaluation and should adjudge which of those bills merit enough further consideration to justify the expense of obtaining an actuary report. That really

isn't much different from what we do with all the rest of our bills in committee. The committee always acts as a straining device to separate those bills which are not going to go any further from those that are going to be considered by the full House. That is what has happened in this case. Representative Newhouse's bill, House Bill No. 1392, along with several other bills that were introduced in this session and a few that were pending from last session, were all considered by the pension subcommittee. Like most legislation that was introduced, we were not surprised to find that we found defects, a few technical ones and a few substantial questions as to the judgment involved by the particular members in drafting the legislation. I would say that Representative Newhouse's had only a few technical problems with it, but it does—there are a few omissions and errors in the bill, but it contains some very good ideas, and those ideas along with some other ideas from other bills were brought together by the committee into a single new substitute bill and we decided to ask the actuary to evaluate that bill. We did not go with each of the individual bills, as much from a point of economy as anything else; there is no intent to slight the efforts of members in introducing legislation or hopefully from discouraging them from doing so in the future, but I think the committee has always had to perform this kind of evaluation on legislation. I don't know of any other process by which this body could function."

MOTION

Mr. Eikenberry moved that House Rule 26 be suspended to allow the House to consider House Bill No. 1392 and any amendments on the desk.

POINT OF PARLIAMENTARY INQUIRY

Mr. Shinpoch: "Is it necessary to suspend the rules in order to consider House Bill No. 1392?"

The Speaker Pro Tem: "That was the motion that was placed before us."

Mr. Shinpoch: "I understand the motion that was placed. My question to you is, is it necessary to suspend the rules in order to consider House Bill No. 1392?"

The Speaker Pro Tem: "The rule states that not only the bill, but the amendments to the bill, require an actuary report; it doesn't state specifically the type of amendment or what amendments are precluded from this rule. You now have an amendment presented here with just a change in a comma, perhaps that would require an actuary report. In answer to your question, in order to consider these amendments or the bill itself, it requires a suspension of rules unless you have an actuary report. What you are doing is waiving the requirement for an actuary report."

Mr. Shinpoch: "I understand that we do have an actuary report on House Bill No. 1392 itself and the one that we are lacking is only on the amendment; so my question concerns also including the bill, 1392, in the motion."

The Speaker Pro Tem: "The bill itself, House Bill No. 1392, is one thing. Representative Sommers had an amendment which strikes all of the bill, so we have to include the bill and its amendments."

Mr. Thompson spoke in favor of the motion, and Mr. Charette spoke against it.

Representatives Gallagher, Knowles and Pardini appeared at the bar of the House.

ROLL CALL

The Clerk called the roll on the motion to suspend House Rule 26 to allow the House to consider House Bill No. 1392 and all amendments on the desk, and the motion failed to receive the necessary two-thirds majority, by the following vote: Yeas, 53; nays, 30; not voting, 14.

Voting yea: Representatives Amen, Barnes, Becker, Bender, Berentson, Blair, Brown, Chandler, Charnley, Conner, Curtis, Douthwaite, Dunlap, Eikenberry, Eng, Erickson, Flanagan, Freeman, Gilleland, Grengo, Haley, Hansey, Jastad, Juelling, Kilbury, Kuehnle, Leckenby, Lee, Lysen, Matthews, McKibbin, Nelson, Newhouse, Osterman, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bausch, Boldt, Ceccarelli, Charette, Cochrane, Ehlers, Fischer, Fortson, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Kalich, King, Knowles, Laughlin, Lux, Martinis, Maxie, May, McCormick, Moon, North, O'Brien, Parker, Smith E. P.

Not voting: Representatives Adams, Bagnariol, Bauer, Bond, Clemente, Deccio, Gaines, Hayner, Hurley M., Moreau, Perry, Sawyer, Williams, Wojahn.

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "With the defeat of the motion to suspend the rule, does that mean then that House Bill No. 1392 cannot be considered by the House in view of a lack of an actuary report on it?"

The Speaker Pro Tem: "House Bill No. 1392 is now before us."

Representatives Bagnariol, Deccio, Hayner, Perry and Wojahn appear at the bar of the House.

POINT OF PARLIAMENTARY INQUIRY

Mr. Polk: "Mr. Speaker, do we have presented to the members at this time an actuarial report on House Bill No. 1392?"

The Speaker Pro Tem: "There is not an actuarial report on House Bill No. 1392."

The Clerk read the following amendment to House Bill No. 1392 by Representatives Sommers, Kuehnle, Warnke and Blair:

Beginning on page 1 strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. The legislature finds that:

(1) A single retirement system providing like benefits for all public employees is necessary to achieve equity, while recognizing that it is in the public interest to provide a separate retirement system for law enforcement officers and fire fighters due to the high degree of personal risk required by their employment.

(2) The retirement system created in this chapter must be considered as part of a total retirement plan. The federal social security system has become a significant retirement plan in its own right and the cost of social security has risen significantly and continues to increase for employer and employee alike. Therefore, the Washington retirement system and the federal social security system shall be recognized as complementary systems.

(3) Periodic actuarial analyses and investigations are essential to the financial integrity of any retirement system. Actuarial adjustment of contribution rates, based on changes in benefit levels, modifications in member retirement patterns, or other factors likewise follow as being essential to the financial integrity of the retirement system created in this chapter.

It is the intent of the legislature that such changes in required contribution rates shall be equally shared by employer and member.

It is the intent of the legislature that this chapter shall be effective July 1, 1977.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Retirement system" means the Washington retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means the executive, legislative, and judicial branches of government of the state of Washington, including but not limited to, every department, agency, commission, board, office, officer, institution of higher education, and community college; in addition "employer" means every political subdivision, except any first class city operating its own retirement system, created by the Constitution or general laws of the state, including but not limited to, every city, town, county, school district, regional planning commissions as authorized by RCW 36.70.060, regional planning commissions as authorized by RCW 35.63.070, and the state of Washington and its political subdivisions participating in interlocal cooperation entities authorized by chapter 39.34 RCW.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in section 4 of this act.

(6) "Compensation" means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service (internal revenue service form W-2 or any similar form).

(7) (a) "Full time creditable service" means periods of employment by a member for an employer for which compensation is earned for seventy or more hours per calendar month for at least five months or more per calendar year. Service in the state legislature by elected representatives and senators shall be deemed to be full time creditable service.

(b) Notwithstanding the provisions of subparagraph (a) of this subsection "full time creditable service" as applied to academic or vocational teaching personnel or nonacademic personnel of a school district, the state school for the blind, the state school for the deaf, an institution of higher education, or a community college shall be based on contract years of employment or school term years of employment: PROVIDED, That such contract years of employment or school term years of employment shall require services to be rendered to an employer for seventy or more hours per calendar month for at least five months or more per calendar year: PROVIDED FURTHER, That a contract year or school term year shall constitute twelve months of full time creditable service.

Only months of full time creditable service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter, except that members subject to the provisions of

subparagraph (b) of this subsection shall receive twelve months of full time creditable service for the period covered by such contracts.

Years of full time creditable service shall be determined by dividing the total number of months of full time creditable service by twelve.

Any fraction of a year of full time creditable service as determined by the retirement board shall be taken into account in the computation of retirement allowances or benefits.

If a member receives compensation from two or more employers during any calendar year for full time creditable service such member shall receive a total of not more than twelve months of full time creditable service for such calendar year.

(8) "Prior creditable service" means all service for which a member received retirement credit under the provisions of the judicial retirement system created by chapter 2.10 RCW, the teachers' retirement system created by chapter 41.32 RCW, and the public employees' retirement system created by chapter 41.40 RCW.

(9) "Beneficiary" means any person receiving a retirement allowance or other benefit provided by this chapter.

(10) "Regular interest" means such rate of interest as the retirement board may determine.

(11) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(12) "Average final compensation" means the member's average compensation of the highest thirty-six consecutive months of full time creditable service prior to such member's retirement, termination, or death. If a member has less than thirty-six months of full time creditable service then such member's average final compensation shall be the average compensation earned by the member for the member's total months of full time creditable service. The term "average final compensation" shall not include any of the following:

(a) Payments for: (i) Deferred compensation; (ii) unused sick leave; (iii) accumulated vacation or annual leave; or (iv) other credits for personal services not rendered;

(b) Payments for any form of termination or severance pay;

(c) Payments for any additional compensation paid in anticipation of retirement.

(13) "Retirement allowance" means monthly payments to a beneficiary as provided for in this chapter.

(14) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of mortality and other tables as may be adopted by the retirement board.

(15) "Retirement" means the date on which a member withdraws from employment with an employer or becomes eligible for a retirement allowance provided for in this chapter.

(16) "Leave of absence" means the period of time a member is authorized by the employer to be absent from full time creditable service without being separated from membership.

(17) "Index" shall mean for any calendar year that year's annual average consumer price index for urban wage earners and clerical workers, all items — compiled by the bureau of labor statistics, United States department of labor.

(18) "Cost-of-living factor" for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of a retirement allowance, except that in no event shall the cost-of-living factor be

(a) less than 1.000; or

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor.

(19) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and member contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary, and interest earned on investments.

NEW SECTION. Sec. 3. SYSTEM CREATED. The Washington retirement system is hereby created.

NEW SECTION. Sec. 4. COMPULSORY MEMBERSHIP—EXCLUSIONS. Membership in the Washington retirement system shall be compulsory for all persons who become employed by an employer and who render full time creditable service on or after July 1, 1977, except that the following persons are specifically excluded from membership:

(1) Law enforcement officers as defined in section 35(4) of this act;

(2) Fire fighters as defined in section 35(11) of this act;

(3) Higher education personnel covered by the provisions of chapter 28B.10 RCW relating to annuities and retirement income plans or any person seeking such coverage under the provisions of chapter 28B.10 RCW during any required waiting period;

(4) Persons temporarily employed by the legislature;

(5) Patient and inmate help in state eleemosynary, penal, and correctional institutions;

(6) Members of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training; and

(8) Persons rendering professional services to an employer on a fee, retainer, or temporary contract basis, or as an incident to the private practice of a profession.

(9) Employees of first class cities operating their own retirement systems on July 1, 1977.

NEW SECTION. Sec. 5. ADMINISTRATION. The administration and management of the Washington retirement system and the public law enforcement officers' and fire fighters' retirement system,

and the authority to make rules shall be vested in a provisional retirement board. The provisional retirement board shall consist of the following members:

- (1) The state insurance commissioner or the commissioner's designee;
- (2) The state treasurer or the treasurer's designee; and
- (3) The superintendent of public instruction or the superintendent's designee.

The board shall adopt rules for the transaction of such business as may be necessary and shall exercise any of the administrative powers, or perform any of the administrative duties vested in, or required to be performed by the board by this chapter or by sections 34 through 60 of this act. All rules shall be promulgated pursuant to the provisions of chapter 34.04 RCW, the administrative procedure act.

The legislature shall establish a retirement board representative of employers, members, and persons representing the general public which board shall be responsible for the administration of the Washington retirement system and the public law enforcement officers' and fire fighters' retirement system and shall provide for the administrative powers and duties such board will exercise.

NEW SECTION. Sec. 6. EMPLOYER AND MEMBER CONTRIBUTIONS. Every member and the employer of every member shall each initially contribute to the retirement board an amount equal to four percent of the compensation paid to every member during each payroll period. The retirement board shall adjust the contribution rate on the basis of the periodic actuarial valuations: PROVIDED, That such percentage rate of contribution shall always be equal for both the member and the employer.

NEW SECTION. Sec. 7. COMPUTATION OF THE RETIREMENT ALLOWANCE. A member of the retirement system shall receive a retirement allowance equal to one and one-half percent of such member's average final compensation for each year of full time creditable service. A member shall never be entitled to receive a retirement allowance greater than sixty percent of the average final compensation upon which the retirement allowance is computed.

NEW SECTION. Sec. 8. RETIREMENT FOR SERVICE. (1) Upon written application to the retirement board, any member with at least five years of full time creditable service who has attained age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 7 of this act.

(2) Upon written application to the retirement board, any member with at least twenty years of full time creditable service and who has attained age fifty-five or more shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 7 of this act, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

(a) For each year the member's age is under sixty-five, but not less than age sixty-two, the retirement allowance shall be reduced by an amount equal in dollars to three percent of such member's retirement allowance at age sixty-five; or

(b) If the member's age at retirement is less than sixty-two but not less than fifty-five, such member's retirement allowance shall be reduced by an amount in dollars equal to nine percent of such member's retirement allowance at age sixty-five, with an additional reduction of an amount in dollars equal to six percent per year for each year such member's retirement age is less than sixty-two.

All applications required by this section shall set forth the date, which shall be not more than ninety days subsequent to the execution and filing thereof, upon which the member desires to be retired.

NEW SECTION. Sec. 9. CREDIT FOR LEAVE OF ABSENCE. Any member of the retirement system shall receive full time creditable service for an authorized leave of absence with compensation. Full time creditable service for all or a portion of an authorized leave of absence without compensation may be obtained by a member if such member pays both the employer and member's contributions plus interest for such period of absence within five years of resumption of service with an employer.

NEW SECTION. Sec. 10. MILITARY SERVICE. A member who has served or shall serve on active federal service in the military forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on an authorized leave of absence if such member has resumed or shall resume employment as an employee within one year from termination of military service.

NEW SECTION. Sec. 11. OPTIONS FOR PAYMENT OF RETIREMENT ALLOWANCES. Upon application for a retirement allowance under the provisions of section 8 of this act, a member shall elect one of the options set forth in this section, calculated so as to be actuarially equivalent to each other.

(1) **OPTION 1.** A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the member dies before the total of the retirement allowance paid to such member equals the amount of such member's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the member's life as the member shall have nominated by written designation duly executed and filed with the retirement board; or if there be no such designated person or persons still living at the time of the member's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the member's legal representative.

(2) **OPTION 2.** A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the member's life as the member shall have nominated by written designation duly executed and filed with the retirement board at the time of the member's retirement.

(3) **OPTION 3.** A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the member's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the member's life as the

member shall have nominated by written designation duly executed and filed with the retirement board at the time of the member's retirement.

NEW SECTION. Sec. 12. EARNED RETIREMENT WHEN UNABLE TO CONTINUE EMPLOYMENT FOR AN EMPLOYER. A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the retirement board shall be eligible to retire under the provisions of this chapter. Such member's monthly retirement allowance shall be computed and paid as provided for in section 7 of this act and shall be actuarially adjusted to reflect the longer period of time over which such allowances are expected to be paid.

Any member who retires under the provisions of this section shall be subject to such comprehensive medical examinations as required by the retirement board. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member, if offered reemployment by an employer, reenters the employment of such employer, such member shall cease to be eligible for retirement benefits under the provisions of this section.

NEW SECTION. Sec. 13. EFFECT OF INDUSTRIAL INSURANCE. Retirement allowances paid to members who retire under the provisions of section 12 of this act shall not be affected in any manner whatsoever by the application of workmen's compensation or similar laws or rules. Notwithstanding any provision of Title 51 RCW to the contrary, the fact that a member may receive or is receiving a retirement allowance under this chapter shall have no effect upon such member's coverage under or benefits provided by Title 51 RCW.

NEW SECTION. Sec. 14. REEMPLOYMENT OF MEMBER WHO WAS UNABLE TO CONTINUE EMPLOYMENT. A member who has previously retired under the provisions of section 12 of this act shall again become a member of the retirement system from the date of employment by an employer. Any full time creditable service, on the basis of which a member's retirement allowances were computed at the time of retirement, shall be restored to full force and effect.

NEW SECTION. Sec. 15. POST-RETIREMENT ADJUSTMENTS. Pursuant to this section every retirement allowance which is payable pursuant to the provisions of this chapter or pursuant to the provisions of sections 34 through 60 of this act to a beneficiary and which has been in effect for more than one year may be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of such retirement allowance on the initial date of payment: **PROVIDED**, That the retirement board finds that the cost of such adjustments shall have been met by the excess of the growth in the assets of the applicable retirement system over that required for meeting the actuarial liabilities of the applicable retirement system at that time: **AND PROVIDED FURTHER**, That the retirement board shall submit statistical data and financial information supporting the growth in the assets of the applicable retirement system to the legislature. No such retirement allowance adjustment shall be implemented prior to approval by the legislature.

NEW SECTION. Sec. 16. RETIREMENT ALLOWANCE EXEMPT FROM TAXATION AND PROCESS. The right of a beneficiary to a retirement allowance, any other right accrued or accruing to any beneficiary under the provisions of this chapter or sections 34 through 60 of this act, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of employees of employers in accordance with rules that may be promulgated by the retirement board.

This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired members, if a total of three hundred or more of such retired members have authorized such deduction for payment to the same retirement association or organization.

NEW SECTION. Sec. 17. EFFECTIVE DATE OF RETIREMENT ALLOWANCES. Retirement allowances paid to beneficiaries under the provisions of this chapter or under the provisions of sections 34 through 60 of this act shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from employment.

NEW SECTION. Sec. 18. SUSPENSION OF RETIREMENT ALLOWANCE—WHEN. No member who is a beneficiary under the provisions of this chapter shall be eligible to receive such member's monthly retirement allowance if such member is performing full time creditable service for any employer in this state.

Upon cessation of full time creditable service for any employer in this state such beneficiary shall have benefits actuarially recomputed pursuant to the rules adopted by the retirement board.

NEW SECTION. Sec. 19. DEATH BENEFITS. (1) If a member who is not eligible for retirement or a member who has not completed at least ten years of creditable service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the retirement board. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the

member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement but has not applied for a retirement allowance or a member who has completed at least ten years of creditable service dies, the surviving spouse shall automatically receive a retirement allowance equal to that payable under the provisions of Option 2 of section 11 of this act, and if there is no surviving spouse eligible to receive such allowance at the time of the member's death, such member's child or children under the age of majority shall receive such allowance, share and share alike.

NEW SECTION. Sec. 20. INFORMATION REQUIRED OF MEMBERS. Every member of the retirement system and the public law enforcement officers' and fire fighters' retirement system, within thirty days of becoming employed by an employer as defined in section 2(4) of this act or section 35(3) of this act, shall submit to the retirement board a statement containing the member's name, sex, title, compensation, duties, date of birth, and such other information as the retirement board may require. Compliance with this section shall be considered to be a condition of employment by an employer, and failure by a member to comply may result in termination of employment with the employer.

NEW SECTION. Sec. 21. CUSTODY OF MONEYS, BONDS, SECURITIES AND FUNDS. The state treasurer is hereby designated as custodian of all bonds, financial obligations, moneys, contributions from members, employers, and the state of Washington, and all other funds of the retirement system and public law enforcement officers' and fire fighters' retirement system.

NEW SECTION. Sec. 22. REFUND OF MEMBER CONTRIBUTIONS. A member of either the retirement system or the public law enforcement officers' and fire fighters' retirement system who ceases to be an employee of an employer as defined in section 2(4) of this act or in section 35(3) of this act may request upon a form provided by the retirement board a refund of all of the member's contributions plus interest, and such amount shall be paid to such member under the provisions of section 23 of this act.

NEW SECTION. Sec. 23. REFUND OF MEMBER'S CONTRIBUTIONS—WHEN. The retirement board may, in its discretion, withhold payment of all or part of the contributions made by a member of either the retirement system or the public law enforcement officers' and fire fighters' retirement system for not more than six months after such a member has ceased to be an employee of an employer as defined in section 2(4) of this act or in section 35(3) of this act. Termination of employment with one employer for the purpose of accepting employment with another employer or termination with one employer and reemployment with the same employer within a period of thirty days shall not qualify such a member for a refund of such member's accumulated contributions. In addition, a member who files an application for a refund of the member's accumulated contributions and subsequently becomes employed by an employer before the expiration of thirty days or before a refund payment has been made, shall not be eligible for such refund payment.

NEW SECTION. Sec. 24. MEMBERS AGREE TO CONTRIBUTIONS. The member contributions required by sections 6 and 41 of this act shall be made notwithstanding that the minimum compensation provided for by law for any such member shall be reduced thereby. Each member of either retirement system shall consent and agree to the contributions made and required by this chapter or in sections 34 through 60 of this act and shall be deemed to have made a receipt in full for compensation, and payment less said contributions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such member during the period covered by such payment, except as to retirement allowances provided for under this chapter or in sections 34 through 60 of this act.

NEW SECTION. Sec. 25. DUTIES OF PAYROLL OFFICER. The officer responsible for making up the payroll shall transmit promptly to the retirement board at the end of each and every payroll period a copy of the original payroll voucher or such other payroll report as the retirement board may require showing thereon all deductions for contributions for the retirement system or the public law enforcement officers' and fire fighters' retirement system, as the case may be, made from the compensation of a member of the retirement system or the public law enforcement officers' and fire fighters' retirement system, as the case may be, together with warrants or checks covering the total of such deductions. The retirement board after making a record of all such receipts shall pay them to the state treasurer for use according to the provisions of this chapter or sections 34 through 60 of this act as appropriate.

NEW SECTION. Sec. 26. EMPLOYER BILLING. (1) The retirement board shall ascertain and report to each employer as defined in section 2(4) of this act and in section 35(3) of this act the amount such employer shall provide for contributions for the ensuing biennium or fiscal year, whichever is applicable to the said employer's operations. The amount to be so provided shall be computed by applying the percentage rates of contributions required by sections 6 and 41 of this act whichever is applicable to an estimate of the total compensation of all the said employer's members during the period for which provision is to be made.

(2) The retirement board shall bill each employer at the end of each month for the amount due for that month, and the same shall be paid by each employer. The retirement board may, at its discretion, establish a system of billing based upon calendar year quarters, in which event the billing shall be at the end of each such quarter and shall be based upon the employer's payrolls for that quarter.

(3) In the event of failure by an employer to remit amounts due during a prior biennium, the retirement board shall bill such employer through the director of the office of program planning and fiscal management for such employer's contributions. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for payment of current biennial payrolls. If any such employer other than a political subdivision shall fail or refuse to

honor such a billing, the director of the office of program planning and fiscal management shall cause the same to be paid from any funds appropriated to such employer for such purposes.

NEW SECTION. Sec. 27. CORRECTION OF ERRORS. Should any change or error in the records result in any member or beneficiary receiving from the retirement system or the public law enforcement officers' and fire fighters' retirement system more or less than such member or beneficiary would have been entitled to receive had the records been correct, the retirement board shall correct such error, and, as far as practicable, shall adjust any payment due or to become due in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

NEW SECTION. Sec. 28. CRIME FOR FALSE STATEMENTS. Any person who shall knowingly make any false statements or who shall falsify or permit to be falsified any record or records of either the retirement system or the public law enforcement officers' or fire fighters' retirement system in any attempt to defraud either retirement system shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 29. TERMINATION OF MEMBERSHIP. Should any member die, or should a member separate or be separated from employment by an employer without leave of absence before attaining age sixty-five, such a member shall thereupon cease to be a member of the Washington retirement system except:

(1) For military service as provided in section 10 of this act;

(2) A member not previously retired who reenters full time creditable service shall be returned to membership status. A member shall receive full time creditable service for such member's previous period of employment with an employer upon the restoration of all withdrawn contributions together with interest since the time of withdrawal as computed by the retirement board. The restoration of all withdrawn contributions with interest must be completed within a total period of five years of full time creditable service following the member's first resumption of employment;

(3) A member who separates or has separated after having completed at least five years of full time creditable service may remain a member during the period of such member's absence from full time creditable service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five if such member maintains the member's accumulated contributions intact.

NEW SECTION. Sec. 30. TRANSFERS BY MEMBERS OF PRIOR SYSTEMS. (1) Any person who is an active member of a retirement system created by chapters 2.10, 41.32, or 41.40 RCW may irrevocably elect to become a member of the Washington retirement system.

(2) Every person who elects to transfer shall file notice with the director or administrator of the prior system or systems and with the board. Upon receipt of such notice the director or administrator of such prior system or systems shall have computed such transferee's prior creditable service, accumulated required contributions, and the accumulated required employer contributions made on behalf of such transferee.

(3) The director or administrator of the prior system or systems shall transfer to the retirement board assets equal in value to the sum of the required contributions of both the transferee and employer together with interest thereon as determined by the most recent actuarial valuation of such prior system or systems.

(4) Transfer of the assets as provided for in subsection (3) of this section and receipt of notice by the director or administrator and by the board shall establish the transferee's membership in the Washington retirement system and shall terminate such transferee's membership and rights to all benefits under the prior system or systems to which the transferee or the transferee's beneficiaries would otherwise have been entitled prior to transferring into the Washington retirement system. A transferee who transfers pursuant to this section shall be granted full time creditable service in the Washington retirement system equal to that established under the prior system or systems.

NEW SECTION. Sec. 31. JUDICIAL RETIREMENT SYSTEM—MEMBERSHIP CLOSED. On and after July 1, 1977, the retirement system created by this chapter shall be closed to new members, and the provisions of this chapter shall apply only to persons first establishing membership in the retirement system prior to July 1, 1977, and to the beneficiaries of such persons.

NEW SECTION. Sec. 32. TEACHERS' RETIREMENT SYSTEM—MEMBERSHIP CLOSED. On and after July 1, 1977, the retirement system created by this chapter shall be closed to new members, and the provisions of this chapter shall apply only to persons first establishing membership in the retirement system prior to July 1, 1977, and to the beneficiaries of such persons.

NEW SECTION. Sec. 33. PUBLIC EMPLOYEES' RETIREMENT SYSTEM—MEMBERSHIP CLOSED. On and after July 1, 1977, the retirement system created by this chapter shall be closed to new members, and the provisions of this chapter shall apply only to persons first establishing membership in the retirement system prior to July 1, 1977, and to the beneficiaries of such persons.

NEW SECTION. Sec. 34. LEGISLATIVE DECLARATION. The legislature finds that:

(1) A single retirement system providing like benefits for all law enforcement officers and fire fighters is necessary to achieve equity.

(2) Periodic actuarial analyses and investigations are essential to the financial integrity of any retirement system. Actuarial adjustment of contribution rates, based on changes in benefit levels, modifications in member retirement patterns, or other factors likewise follow as being essential to the financial integrity of the retirement system created in this chapter.

It is the intent of the legislature that such changes in required contribution rates shall be equally shared by the employer, the member, and the state of Washington.

It is the intent of the legislature that this chapter shall be effective July 1, 1977.

NEW SECTION. Sec. 35. DEFINITIONS. Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Retirement system" means the public law enforcement officers' and fire fighters' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in section 5 of this act.

(3) "Employer" means:

(a) The state of Washington for law enforcement officers employed under the provisions of RCW 28B.10.550 and chapter 43.43 RCW;

(b) The legislative authority of any city, town, county, or district that employs law enforcement officers and/or fire fighters;

(c) The elected officials of any municipal corporation that employs any law enforcement officers and/or fire fighters.

(4) "Law enforcement officer" means any person performing full time creditable service for an employer in one of the following positions:

(a) As an officer of the Washington state patrol;

(b) As a sheriff;

(c) As a deputy sheriff;

(d) As a director of public safety;

(e) As a county police officer;

(f) As a city police officer;

(g) As a police officer having the powers set forth in RCW 28B.10.555;

(h) As a town marshal; or

(i) As a deputy town marshal.

(5) "Officer of the Washington state patrol" means a commissioned officer having the powers and duties set forth in RCW 43.43.030.

(6) "Sheriff" means the elected county official vested with the powers set forth in RCW 36.28.010.

(7) "Deputy sheriff" means all persons vested with the powers set forth in RCW 36.28.010 who are within the classified civil service under the provisions of chapter 41.14 RCW and all persons in the unclassified service as set forth in RCW 41.14.070 (2), (3), and (4), except a private secretary.

(8) "Director of public safety" means the person performing the duties of a sheriff under the provisions of a county charter.

(9) "County police officer" means a person performing the duties of a deputy sheriff under the provisions of a county charter.

(10) "City police officer" means persons who have been appointed to offices, positions, or ranks in a police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by an ordinance enacted by the legislative body of a city.

(11) "Fire fighter or fireman" means a person whose primary duties relate to the extinguishment and prevention of fires and other usual and ordinary duties associated with the operation of a fire department and who is performing full time creditable service for an employer operating a full time fire department regardless of whether or not such department requires fire fighters to pass a civil service examination. "Fire fighter or fireman" shall not include a volunteer fireman who is enrolled in the system created by chapter 41.24 RCW.

(12) "Member" means any person included in the membership of the retirement system, as provided for in section 38 of this act.

(13) "Child" or "children" means every natural born child, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, stepchild, and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board, except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, vocational, or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(14) "Disability board" means the board of industrial insurance appeals created in RCW 51.52.010.

(15) "Compensation" means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service (internal revenue service form W-2 or any similar form).

(16) "Full time creditable service" means periods of employment by a member for an employer for which compensation is earned for eighty hours or more per calendar month.

Only months of full time creditable service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

Years of full time creditable service shall be determined by dividing the total number of months of full time creditable service by twelve.

Any fraction of a year of full time creditable service as determined by the retirement board shall be taken into account in the computation of retirement allowances or benefits.

If a member receives compensation from two or more employers during any calendar year for full time creditable service such member shall receive a total of not more than twelve months of full time creditable service for such calendar year.

(17) "Prior creditable service" means all service for which a member received retirement credit under the provisions of chapter 41.26 RCW, the law enforcement officers' and fire fighters' retirement system.

(18) "Beneficiary" means any person receiving a retirement allowance or other benefit provided by this chapter.

(19) "Regular interest" means such rate of interest as the retirement board may determine.

(20) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(21) "Average final compensation" means the member's average compensation of the highest thirty-six consecutive months of full time creditable service prior to such member's retirement, termination, or death. If a member has less than thirty-six months of full time creditable service then such member's average final compensation shall be the average compensation earned by the member for the member's total months of service. The term "average final compensation" shall not include any of the following:

(a) Payments for: (i) Deferred compensation; (ii) unused sick leave; (iii) accumulated vacation or annual leave; or (iv) other credits for personal services not rendered;

(b) Payments for any form of termination or severance pay;

(c) Payments for any additional compensation paid in anticipation of retirement.

(22) "Retirement allowance" means monthly payments to a beneficiary as provided for in this chapter.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of mortality and other tables as may be adopted by the retirement board.

(24) "Retirement" means the date on which a member withdraws from employment with an employer or becomes eligible for a retirement allowance provided for in this chapter.

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from full time creditable service without being separated from membership.

(26) "Disability leave" means a period of time not in excess of sixty days during which an employer shall continue to pay the full compensation of a member while the disability board is making a determination of whether such member has been disabled in the line of duty.

(27) "In the line of duty" means the performance of all services, work, or labor regularly required of law enforcement officers and fire fighters by an employer and shall include services of a normal duty or emergency nature performed while off regular duty.

(28) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and member contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary, and interest earned on investments.

NEW SECTION, Sec. 36. SYSTEM CREATED. The public law enforcement officers' and fire fighters' retirement system is hereby created.

NEW SECTION, Sec. 37. COMPULSORY MEMBERSHIP. Membership in the public law enforcement officers' and fire fighters' retirement system shall be compulsory for all persons who become employed as law enforcement officers or fire fighters by an employer in a position requiring full time creditable service on or after July 1, 1977.

NEW SECTION, Sec. 38. ADMINISTRATION. The retirement board provided for in section 5 of this act shall be responsible for the administration and management of the public law enforcement officers' and fire fighters' retirement system.

NEW SECTION, Sec. 39. MEMBERS REQUIRED TO MEET MINIMUM MEDICAL AND HEALTH STANDARDS. Every member, except a sheriff or a director of public safety, shall meet minimum medical and health standards as set by the retirement board.

The retirement board shall initially adopt the minimum medical and health standards in effect under the provisions of chapter 41.26 RCW on July 1, 1977.

It is the intent of the legislature that employers shall not employ law enforcement officers or fire fighters who cannot meet the minimum medical and health standards, except as provided in sections 50 and 52 of this act. The requirement that a member meet the minimum medical and health standards shall not constitute a violation of the law against discrimination under chapter 49.60 RCW.

NEW SECTION, Sec. 40. ADOPTION OF MINIMUM MEDICAL AND HEALTH STANDARDS BY THE RETIREMENT BOARD. In adopting the minimum medical and health standards required by section 39 of this act the retirement board may consider existing standards recommended by the international association of chiefs of police and the international association of fire fighters. The standards adopted shall insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer. The retirement board shall amend the minimum medical and health standards as experience requires.

NEW SECTION, Sec. 41. CONTRIBUTIONS BY MEMBERS, EMPLOYERS, AND THE STATE OF WASHINGTON. Every member, the employer of every member, and the state of Washington shall each initially contribute to the retirement board an amount equal to seven and one-half percent of the compensation paid to every member during each payroll period. The retirement board shall adjust the contribution rate on the basis of the periodic actuarial valuations: PROVIDED, That such percentage rate of contribution shall always be equal for the member, the employer, and the state of Washington.

NEW SECTION, Sec. 42. COMPUTATION OF RETIREMENT ALLOWANCES. A member of the public law enforcement officers' and fire fighters' retirement system shall receive a retirement allowance equal to one and one-half percent of such member's average final compensation for each year of full time

creditable service. A member shall never be entitled to receive a retirement allowance greater than sixty percent of average final compensation.

NEW SECTION. Sec. 43. RETIREMENT FOR SERVICE. (1) Upon written application to the retirement board, any member with at least five years of full time creditable service who has attained at least age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 42 of this act.

(2) Upon written application to the retirement board, any member who has completed at least twenty years of full time creditable service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 42 of this act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced and shall receive a lesser amount reflecting the difference in the number of years between age at retirement and the attainment of age fifty-five.

All applications required by this section shall set forth the date, which shall be not more than ninety days subsequent to the execution and filing thereof, upon which the member desires to be retired.

NEW SECTION. Sec. 44. CREDIT FOR LEAVE OF ABSENCE. Any member of the public law enforcement officers' and fire fighters' retirement system shall receive full time creditable service for an authorized leave of absence with compensation. Full time creditable service for all or a portion of an authorized leave of absence without compensation may be obtained by a member if such member pays both the employer and member's contributions plus interest for such period of absence within five years of resumption of service with an employer.

NEW SECTION. Sec. 45. MILITARY SERVICE. A member who has served or shall serve on active federal service in the military forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on an authorized leave of absence if such member has resumed or shall resume employment as an employee within one year from termination of military service.

NEW SECTION. Sec. 46. OPTIONS FOR PAYMENT OF RETIREMENT ALLOWANCES. Upon application for a retirement allowance under the provisions of section 43 of this act, a member shall elect one of the options set forth in this section, calculated so as to be actuarially equivalent to each other.

(1) **OPTION 1.** A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the member dies before the total of the retirement allowance paid to such member equals the amount of such member's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the member's life as the member shall have nominated by written designation duly executed and filed with the retirement board; or if there be no such designated person or persons still living at the time of the member's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the member's legal representative.

(2) **OPTION 2.** A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the member's life as the member shall have nominated by written designation duly executed and filed with the retirement board at the time of the member's retirement.

(3) **OPTION 3.** A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the member's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the member's life as the member shall have nominated by written designation duly executed and filed with the retirement board at the time of the member's retirement.

NEW SECTION. Sec. 47. DISABILITY LEAVE PROVISIONS AND REQUIREMENT THAT EMPLOYERS PROVIDE SICK LEAVE. (1) A member shall be granted disability leave upon application therefor to the member's employer, whereupon the member shall proceed in compliance with section 48 of this act.

A member determined by the disability board to have been disabled in the line of duty shall be deemed to have been eligible to receive all compensation received while on disability leave.

A member determined by the disability board not to have been disabled in the line of duty shall be obligated to reimburse such member's employer for payments received as compensation during the period of disability leave. The time for reimbursement to such employer shall extend over a reasonable period.

(2) The legislature hereby authorizes and directs each employer of law enforcement officers and fire fighters to establish at the employer's expense a program whereby law enforcement officers and fire fighters shall accrue sick leave.

The term "sick leave" shall have its usual and ordinary meaning as of July 1, 1977, and thereafter until such time as the legislature statutorily defines such term.

NEW SECTION. Sec. 48. REQUIRED DETERMINATIONS BY DISABILITY BOARD. Upon an application provided by the disability board for such purpose, a member, a person acting on behalf of a member, or an employer of a member who or which believes that such member is incurring or has incurred a disability may request a hearing from the disability board to determine if a member is suffering from a disability. The disability board shall make a final determination of the following:

(1) Whether the disability was incurred in the line of duty or not in the line of duty;

(2) Whether the disability is total or partial; and

(3) The degree of partial disability if the disability is determined to be partial, expressed as a percentage of the loss of the member's earning capacity.

The disability board shall make the determinations required by this section within sixty days of receipt of a member's application.

The disability board shall transmit a copy of the final decisions required by this section to the retirement board as soon as is practicable.

All hearings conducted by the disability board shall be contested cases as defined in chapter 34.04 RCW, the administrative procedure act, if requested by either the member or the employer. The decision of the board shall be final and subject to the judicial review. The provisions of chapter 34.04 RCW shall be applicable to all proceedings of the disability board.

The disability board shall have full power to do each and every act necessary to carry out the duties assigned to it. All expenses incurred by or on behalf of the disability board shall be paid from the public law enforcement officers' and fire fighters' retirement system upon vouchers approved by the retirement board.

NEW SECTION. Sec. 49. TOTAL DUTY DISABILITY. A member who has been determined by the disability board to be totally disabled in the line of duty shall be eligible to receive a retirement allowance upon expiration of a member's disability leave. Such retirement allowance shall be an amount equal to fifty percent of the average final compensation of the member at the time of disability retirement and an additional amount equal to five percent of average final compensation for each child of the member up to a total of two children.

Retirement allowances payable pursuant to this section shall be payable until the member recovers from the total duty disability or dies. If at the time that the disability ceases the member is over the age of fifty-five, the member shall then receive either the member's disability retirement allowance or the member's retirement for service allowance, whichever is greater.

NEW SECTION. Sec. 50. PARTIAL DUTY DISABILITY. A member who has been determined by the disability board to be partially disabled in the line of duty shall have the option of:

(1) Accepting employment from an employer which has been determined to be mutually acceptable by both parties and which employment guarantees that the member shall receive the same compensation, economic benefits, and future increments thereto as such member was receiving at the time of incurring partial duty disability or would have been entitled to receive in the future; or

(2) Receiving a retirement allowance in an amount equal to the percentage loss of the member's earning capacity as related to the member's average final compensation at the time of disability retirement, up to a maximum of forty-nine percent. Such retirement allowance shall be payable upon expiration of a member's disability leave.

Retirement allowances payable pursuant to this section shall be payable until the member recovers from the partial duty disability or dies. If at the time that the disability ceases the member is over the age of fifty-five, the member shall then receive either the member's disability retirement allowance or the member's retirement for service allowance, whichever is greater.

NEW SECTION. Sec. 51. TOTAL NONDUTY DISABILITY. A member who has been determined by the disability board to be totally disabled while not in the line of duty shall be eligible to receive a retirement allowance computed as provided for in section 42 of this act. The retirement allowance shall be adjusted to reflect the longer period of time over which such allowance is expected to be paid.

Retirement allowances payable pursuant to this section shall be payable until the member recovers from the total nonduty disability or dies.

NEW SECTION. Sec. 52. PARTIAL NONDUTY DISABILITY. A member who has been determined by the disability board to be partially disabled while not in the line of duty shall have the option of:

(1) Accepting employment from an employer which has been determined to be mutually acceptable to both parties: **PROVIDED**, That such employment shall not have to guarantee that the member will receive the same compensation and economic benefits as such member was receiving at the time of incurring the partial nonduty disability; or

(2) Receiving a retirement allowance computed as provided for in section 42 of this act which shall be adjusted to reflect the longer period of time over which such allowance is expected to be paid.

NEW SECTION. Sec. 53. MEDICAL EXAMINATIONS. A member retired under the provisions of sections 49 through 52 of this act shall be subject to at least one mandatory comprehensive medical examination each year prior to the attainment of age fifty-five by a physician approved by the disability board. The disability board may require additional medical examinations. All expenses incurred from required medical examinations under this section shall be paid from the public law enforcement officers' and fire fighters' retirement system upon vouchers approved by the retirement board.

NEW SECTION. Sec. 54. REEMPLOYMENT OF MEMBER WHO WAS UNABLE TO CONTINUE EMPLOYMENT. A member who has previously retired under the provisions of sections 49 through 52 of this act shall again become a member of the retirement system from the date of employment by an employer. Any full time creditable service, on the basis of which a member's retirement allowances were computed at the time of retirement, shall be restored to full force and effect.

NEW SECTION. Sec. 55. SUSPENSION OF RETIREMENT ALLOWANCE—WHEN. No member who is a beneficiary under the provisions of this chapter shall be eligible to receive such member's monthly retirement allowance if such member is performing full time creditable service for any employer in this state.

Upon cessation of full time creditable service for any employer in this state such beneficiary shall have benefits actuarially recomputed pursuant to the rules adopted by the retirement board.

NEW SECTION. Sec. 56. DEATH BENEFIT—IN LINE OF DUTY. (1) If a member is killed in the line of duty or dies as a proximate result of a physical or mental illness, disease, or injury incurred in the line of duty as determined by the disability board, the surviving spouse shall be eligible to receive an allowance equal to fifty percent of the member's average final compensation. Such retirement allowance shall be increased by an additional amount equal to five percent of the average final compensation for each child of the member up to a total of two children.

(2) If there is no surviving spouse eligible to receive a benefit at the time of the member's death, then such member's child or children under the age of majority shall receive a benefit equal to thirty percent of the average final compensation for one child and an additional ten percent of the average final compensation for each child of the member up to a total of three children, share and share alike.

(3) If there be neither a surviving spouse, a child, or children still living at the time of the death of the member, then the amount of such member's accumulated contributions shall be paid to the member's legal representative.

(4) If a surviving spouse receiving benefits under this section thereafter dies or remarries and there are children of the member under the age of majority, payment to such spouse shall cease and the child or children shall receive the benefits as provided in subsection (2) of this section.

NEW SECTION. Sec. 57. DEATH BENEFIT—NOT IN LINE OF DUTY. (1) If a member who is not eligible for retirement or a member who has not completed at least ten years of creditable service dies while not in the line of duty, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the retirement board. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement but has not applied for a retirement allowance or a member who has completed at least ten years of creditable service dies while not in the line of duty, the surviving spouse shall automatically receive a retirement allowance equal to that payable under the provisions of Option 2 of section 46 of this act, and if there is no surviving spouse eligible to receive such allowance at the time of the member's death, such member's child or children under the age of majority shall receive such allowance, share and share alike.

NEW SECTION. Sec. 58. TERMINATION OF MEMBERSHIP. Should a member separate or be separated from employment by an employer without leave of absence before attaining age fifty-five, such a member shall thereupon cease to be a member of the retirement system except:

(1) For military service as provided in section 45 of this act;

(2) A member not previously retired who reenters full time creditable service shall be returned to membership status. A member shall receive full time creditable service for such members previous period of employment with an employer upon the restoration of all withdrawn contributions with interest since the time of withdrawal as computed by the retirement board. The restoration of all withdrawn contributions with interest must be completed within a total period of five years of full time creditable service following the member's first resumption of employment;

(3) A member who separates or has separated after having completed at least five years of full time creditable service shall remain a member during the period of such member's absence from full time creditable service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age fifty-five if such member maintains the member's accumulated contributions intact.

NEW SECTION. Sec. 59. TRANSFERS BY MEMBERS OF PRIOR SYSTEMS. (1) Any person who is an active member of the retirement system created by chapter 41.26 RCW or chapter 43.43 RCW may irrevocably elect to become a member of the public law enforcement officers' and fire fighters' retirement system.

(2) Every person who elects to transfer shall file notice with the director or administrator of the prior system or prior systems and with the retirement board. Upon receipt of such notice the director or administrator of such prior system or prior systems shall have computed such transferee's prior creditable service, accumulated required contributions, and the accumulated required employer contributions made on behalf of such transferee.

(3) The director or administrator of the prior system or prior systems shall transfer to the retirement board assets equal in value to the sum of the required contributions of both the transferee and employer together with interest thereon as determined by the most recent actuarial valuation of fire such prior system or prior systems.

(4) Transfer of the assets as provided for in subsection (3) of this section and receipt of notice by the director or administrator and by the board shall establish the transferee's membership in the public law enforcement officers' and fire fighters' retirement system and shall terminate such transferee's membership and rights to all benefits under the prior system or prior systems to which the transferee or the transferee's beneficiaries would otherwise have been entitled prior to transferring into the public law enforcement officers' and fire fighters' retirement system. A transferee who transfers pursuant to this section shall be granted full time creditable service in the public law enforcement officers' and fire fighters' retirement system equal to that established under the prior system or prior systems.

NEW SECTION. Sec. 60. APPLICABILITY OF CERTAIN PROVISIONS OF LAW. The provisions of sections 5, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, and 28 shall be applicable to the public law enforcement officers' and fire fighters' retirement system created in this chapter.

NEW SECTION. Sec. 61. LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM—MEMBERSHIP CLOSED. On and after July 1, 1977, the retirement system created by this chapter shall be closed to new members, and the provisions of this chapter shall apply only to persons first establishing membership in the retirement system prior to July 1, 1977, and to the beneficiaries of such persons.

NEW SECTION. Sec. 62. WASHINGTON STATE PATROL RETIREMENT SYSTEM—MEMBERSHIP CLOSED. On and after July 1, 1977, the retirement system created by this chapter shall be closed to new members, and the provisions of this chapter shall apply only to persons first establishing membership in the retirement system prior to July 1, 1977, and to the beneficiaries of such persons.

NEW SECTION. Sec. 63. BOARD OF INDUSTRIAL INSURANCE APPEALS—ADDITIONAL POWERS. To carry out the provisions of sections 48 and 53 of this act the board may:

(1) Employ hearings officers to determine facts; and

(2) Promulgate rules pursuant to chapter 34.04 RCW, the administrative procedure act, to carry out their assigned duties.

NEW SECTION. Sec. 64. STATE OF WASHINGTON AND EMPLOYERS REQUIRED TO MAKE CONTRIBUTIONS FOR UNFUNDED LIABILITIES OF THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS', TEACHERS', WASHINGTON STATE PATROL, AND PUBLIC EMPLOYEES' RETIREMENT SYSTEMS. Recognizing that the provisions of chapters 41.26, 41.32, 41.40, and 43.43 RCW relating to the funding of the unfunded liabilities of the law enforcement officers' and fire fighters', teachers', Washington state patrol, and public employees' retirement systems are based on the assumption of a continuing influx of new members, it is the intent of the legislature that this section hereby requires contributions from:

(1) The state of Washington beginning with the 1977-79 biennium and continuing through each biennium thereafter until the fiscal integrity of the law enforcement officers' and fire fighters' retirement system, the teachers' retirement system, and the Washington state patrol retirement system are assured based on actuarial valuations of such systems; and

(2) Employers of members of the Washington retirement system who would have been members of the public employees' retirement system but for the enactment of sections 1 through 30 of this act beginning with the 1977-79 biennium and continuing through each biennium thereafter until the fiscal integrity of the public employees' retirement system is assured based on actuarial valuations of such system.

The amount of the contributions required by subsections (1) and (2) of this section shall be established and adjusted as may be necessary by the governing boards of the retirement systems established by chapters 41.26, 41.32, 41.40, and 43.43 RCW and shall be reported to employers and the legislature beginning with the 1977-79 biennium.

The contributions required by this section shall be an amount certain in dollars for each biennium, and the appropriation or payments therefor shall be calculated by expressing the biennial amount required as a percentage rate to be applied to the compensation of members of the Washington retirement system and the public law enforcement officers' and fire fighters' retirement system during each payroll period.

The state appropriation shall be distributed as follows:

Moneys based on the compensation of members of the Washington retirement system and members of the public law enforcement officers' and fire fighters' retirement system shall be transferred to the teachers' retirement system, the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system in such manner as to reflect as nearly as is possible the prior system to which a member would have belonged but for the enactment of sections 1 through 30 of this act and sections 34 through 60 of this act.

Payments by employers required by subsection (2) of this section shall be made directly to the public employees' retirement system.

NEW SECTION. Sec. 65. NO SUPPLEMENT FOR HIGHER EDUCATION PERSONNEL. Notwithstanding the provisions of RCW 28B.10.400 through 28B.10.423 to the contrary, no person eligible for coverage under the provisions of RCW 28B.10.400 through 28B.10.423 who becomes employed by a state institution of higher education for the first time on or after July 1, 1977, shall be eligible to receive a retirement supplement from the state of Washington.

NEW SECTION. Sec. 66. SECTION HEADINGS. Section headings as used in this act shall not constitute any part of the law.

NEW SECTION. Sec. 67. RCW PLACEMENT. (1) Sections 1 through 30 of this act and section 68 of this act shall constitute a new chapter in Title 41 RCW.

(2) Sections 34 through 60 of this act and section 68 of this act shall constitute a new chapter in Title 41 RCW.

(3) Section 31 of this act shall be added to chapter 2.10 RCW.

(4) Section 65 of this act shall be added to chapter 28B.10 RCW.

(5) Section 64 of this act shall be added to chapter 41.04 RCW.

(6) Section 61 of this act shall be added to chapter 41.26 RCW.

(7) Section 32 of this act shall be added to chapter 41.32 RCW.

(8) Section 33 of this act shall be added to chapter 41.40 RCW.

(9) Section 62 of this act shall be added to chapter 43.43 RCW.

(10) Section 63 of this act shall be added to chapter 51.52 RCW.

NEW SECTION. Sec. 68. EFFECTIVE DATE. The effective date of this act shall be July 1, 1977."

POINT OF ORDER

Mr. Parker: "Is there an actuarial report on this amendment?"

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "It appears that according to Reed's Rule 112—'Time for Making These Objections.' The question has to be raised before consideration has been entered upon. 'After debate has begun or other action has been taken it is too late.' House Bill No. 1392 was read in yesterday and the last line was read and we had one amendment that was pending and ruled out of order, so it would appear, according to Reed's Rules, that your point of order should have been raised yesterday or immediately to determine whether or not it was in conflict with House Rule 26. The point wasn't raised at that time so it is under consideration and the amendment now pending is the amendment by Representative Sommers and others."

Ms. Sommers moved adoption of the amendment.

On motion of Mr. Kuehnle, the following amendment to the amendment by Representative Sommers and others was adopted:

On page 1, line 18 strike "high".

Mr. Kuehnle moved adoption of the following amendment to the amendment by Representative Sommers and others:

On page 3, line 13 strike "seventy" and insert "ninety"

Mr. Kuehnle spoke in favor of the amendment to the amendment.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "The rule states as follows: (you can suspend this rule, you can do anything you want with it, but here's the rule) 'No floor amendments may be approved except on a vote of two-thirds of the members present and then only if the effect of the floor amendment has been previously reviewed by an actuary and a report by the actuary filed with the Secretary of the Senate or the Clerk of the House.' We are going by the rules of this House. If somebody wants to suspend the rule relative to the floor amendment, you have that right, but we are caught in a situation of responsibility for orderly procedure according to Reed's and our House rules."

On motion of Mr. Thompson, Representative Ceccarelli was excused from the Call of the House.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kuehnle to the amendment by Representative Sommers and others, and the amendment failed to receive the necessary two-thirds majority, by the following vote: Yeas, 33; nays, 54; not voting, 10.

Voting yea: Representatives Amen, Barnes, Berentson, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Jueling, Kuehnle, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bausch, Becker, Bender, Blair, Boldt, Charette, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, North, O'Brien, Osterman, Paris, Parker, Perry, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Wojahn.

Not voting: Representatives Adams, Bauer, Bond, Ceccarelli, Clemente, Gaines, Hurley M., Moreau, Sawyer, Williams.

POINT OF PERSONAL PRIVILEGE

Mr. Newhouse: "Do you, the members of the House, realize the stupid position we are in? That an amendment to decrease the cost of the system has been defeated? That an amendment on a big amendment which is allowed, which has a cursory actuarial report, that an amendment which would have decreased the costs to the system considerably was not allowed by a refusal to suspend the rule? That any amendment that faces us is challenged—is challenged because it says that unless there is an actuarial report on that amendment you can't even vote on it? That's what we're facing and after the action earlier today—we are here

under the Call of the House, voting on amendments that won't mean a thing because this session is practically dead and gone. There is nothing going to happen; we'd just as well adjourn and go home."

Representatives Bauer and Clemente appeared at the bar of the House.

The Clerk read the following amendment by Representative Kuehnle to the amendment by Representative Sommers and others:

On page 3, line 14 strike "five" and insert "seven"

With the consent of the House, Mr. Kuehnle withdrew the amendment.

POINT OF PERSONAL PRIVILEGE

Mr. Moon: "The representative from Yakima said that we had gotten ourselves into this predicament, and I might point out that he, of course, contributed to it because he voted on the amendment to Rule 26 affirmatively and I didn't, I voted against it."

POINT OF ORDER

Mr. Newhouse: "I blame myself as much as anyone else and I don't think Representative Moon is so pure that he can stand up and—"

Mr. Seeberger moved adoption of the following amendment by Representatives Seeberger, Whiteside, Eikenberry and Knowles to the amendment by Representative Sommers and others:

On page 5, line 31 add a new subsection as follows:

"(4) Judges of the supreme court, appellate courts, superior courts, and such inferior courts as the legislature may provide."

Renumber the remaining subsections consecutively.

Representatives Seeberger, Whiteside and Eikenberry spoke in favor of the amendment to the amendment, and Representatives Sommers and Blair spoke against it.

POINT OF INQUIRY

Mr. Blair yielded to question by Mr. Smith (Rick).

Mr. Smith (Rick): "As you know the judges' retirement system is unique from other retirement systems in that it is on a pay-as-you-go basis. In the development of the unfunded liability, which may or may not be applicable to the pay-as-you-go system, but accepting your figures, could I ask if the fact that judges will be required to be vested for fifteen years before they are entitled to any retirement benefits, is their long investment period taken into consideration rather than the unfunded liability?"

Mr. Blair: "No, that is not a factor in determining unfunded liability. That is a peculiarity of the system. You calculate the unfunded liability on the basis of the expectation of future costs. That is a factor that would be considered. The actuary would have to assume that a certain number of judges would leave the bench, or possibly die or leave for some other reason, prior to being vested and that would form part of the calculation of unfunded liability. Just reading between the lines, and thinking that you are asking if that is a contributing factor to a high unfunded liability, it is not that. It's just the opposite."

Mr. Smith (Rick) spoke in favor of the amendment to the amendment.

MOTIONS

On motion of Mr. Newhouse, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, further action on the bills on today's second and third reading calendar was deferred, and the bills were ordered held for tomorrow's calendar.

MESSAGES FROM THE SENATE

March 4, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 3267,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 4, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 3091, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SUBSTITUTE SENATE BILL NO. 3267.

MOTION

On motion of Mr. Thompson, the House advanced to the eighth order of business.

AMENDMENT TO HOUSE RULES

Mr. Kuehnle served notice that he would, on the next working day, offer an amendment to House Rule 26.

Mr. Polk moved adoption of the following amendment to the House rules:

BE IT RESOLVED, By the House of Representatives, that the rules of the House of Representatives of the forty-fourth legislative session be amended by the addition of the following new rule:

"Rule 83. It shall be the duty of the rules committee to make a determination of whether or not each bill referred to such committee constitutes major legislation.

Upon a determination that a bill constitutes major legislation, the rules committee shall place such bill on the calendar for consideration by the House of Representatives at an hour, day, and date certain."

Renumber the remaining rules consecutively.

Mr. Polk spoke in favor of the rule.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Mr. Thompson spoke in opposition to the rule, and Mr. Polk spoke again in favor of it.

ROLL CALL

The Clerk called the roll on adoption of an amendment to the House Rules, adding a new Rule 83, and the amendment was not adopted by the following vote: Yeas, 31; nays, 53; not voting, 13.

Voting yea: Representatives Amen, Barnes, Berentson, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Juelling, Kuehnle, Leckenby, Lee, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, North, O'Brien, Osterman, Parker, Perry, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Wojahn.

Not voting: Representatives Adams, Blair, Bond, Ceccarelli, Flanagan, Gaines, Hurley M., Kalich, Matthews, Moreau, Sawyer, Williams, Wilson.

MESSAGE FROM THE SENATE

March 4, 1976

Mr. Speaker:

The Senate has receded from its amendment to SUBSTITUTE HOUSE BILL NO. 90, and has passed the bill without the Senate amendment, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Friday, March 5, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SIXTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, March 5, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bond, Eng, Martinis, Moreau, Parker and Smith (Rick). Representatives Bond, Martinis and Moreau were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Marianne Bischel and Kelly Ritchie. Prayer was offered by the Reverend George M. Mitchell of the First Christian Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 4, 1976

Mr. Speaker:

The Senate 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.

Bill Gleason, Assistant Secretary.

March 4, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 3036 and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

March 4, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3172, and the President has appointed as said conferees: Senators Henry, Guess, Bottiger.

Bill Gleason, Assistant Secretary.

March 4, 1976

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1366,
ENGROSSED HOUSE BILL NO. 1496,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SUBSTITUTE HOUSE BILL NO. 90,
SUBSTITUTE HOUSE BILL NO. 1366,
HOUSE BILL NO. 1496.

CERTIFICATE OF APPOINTMENT

State of Washington,
County of Spokane

This certifies, That at a regular session of the County Commissioners held on March 4, 1976, GLADYS MORGEN was duly appointed Representative, 5th Legislative District.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 4th Day of March 1976.

Vernon Ohland, Clerk of the Board of County Commissioners.
Ray W. Christensen, Chairman of the Board of County Commissioners.
Jerry C. Kopet; Harry M. Larned, Board Members.

The Speaker Pro Tem appointed Representatives Knowles, Newhouse and Charette to escort Justice Charles Horowitz of the Washington State Supreme Court to the rostrum.

The Speaker Pro Tem appointed Representatives McCormick, Hurley (Margaret), May and Fortson to escort Mrs. Gladys Morgen to the rostrum.

OATH OF OFFICE

Justice Horowitz issued the oath of office to Mrs. Morgen.

The Speaker Pro Tem requested the committee to escort Representative Morgen to a seat on the floor of the House.

The Speaker Pro Tem requested the committee to escort Justice Horowitz from the House Chamber.

MOTION

On motion of Mr. Thompson, the House advanced to the eighth order of business.

AMENDMENT TO HOUSE RULES

Mr. Kuehnle moved adoption of the following amendment by Representatives Kuehnle and Thompson to House Rule 26:

Delete House Rule 26 from the House Rules and renumber the remaining rules consecutively.

Representatives Kuehnle, Thompson and Blair spoke in favor of the amendment.

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "On second reading before us is House Bill No. 1392. Yesterday because of this rule an amendment which I proposed was ruled out of order by the Speaker and I have now placed that amendment again on the desk before us. I realize that we are facing a striking amendment which now holds precedence over my amendment—mine should have been first. If we renew this rule, may we then reconsider the amendment which I have placed on the desks?"

The Speaker Pro Tem: "The Speaker will rule on that question when he is confronted with it."

Representatives Newhouse and Hurley (George) spoke in favor of the amendment, and Mr. Warnke spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Representatives Sommers and Kuehnle spoke in favor of the amendment to the rule, and Mr. Pardini spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Kuehnle and Thompson striking House Rule 26, and the amendment was adopted by the following vote: Yeas, 57; nays, 34; not voting, 7.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Becker, Blair, Boldt, Brown, Chandler, Charette, Charnley, Clemente, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Freeman, Gilleland, Greengo, Haley, Hanna, Hansen, Hayner, Hurley G. S., Hurley M., Juelling, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Lysen, Maxie, McKibbin, Moon, Nelson, Newhouse, O'Brien, Osterman, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Sommers, Thompson, Valle, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bausch, Bender, Ceccarelli, Cochrane, Conner, Curtis, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hansey, Haussler, Hawkins, Hendricks, Jastad, King, Leckenby, Lee, Lux, Matthews, May, McCormick, Morgen, North, Pardini, Paris, Smith E. P., Tilly, Warnke, Whiteside, Williams, Wojahn.

Not voting: Representatives Berentson, Bond, Martinis, Moreau, Parker, Perry, Smith R.

Mr. Newhouse moved adoption of the following amendment to House Rule 81:

At the end of House Rule 81 add a new sentence as follows: "A majority of the members of any committee, by written petition, may schedule a meeting of the committee and set the agenda of such meeting."

Mr. Randall moved adoption of the following amendment to the Newhouse amendment: On page 1, line 3 after "petition" strike "schedule" and insert "request"

Mr. Randall spoke in favor of the amendment to the Newhouse amendment.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Newhouse.

Mr. Newhouse: "Are you saying that there is some way that some people who serve on a committee can, by majority vote, finally force an issue?"

Mr. Randall: "No. My correctional amendment would just attempt to say this: That a majority of the members can, by written petition, request a meeting and set forth a proposed agenda so that when the request is made, the committee, the House, the press, anybody that wants to will see the proposed agenda they are attempting to get through. I think that has all of the impact and all the effect that we need to get in this rule—it's laid out there in public."

Representatives Newhouse and Nelson spoke against the amendment to the amendment, and Mr. Randall again spoke in favor of it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Randall to the Newhouse amendment to House Rule 81, and the amendment to the amendment was not adopted by the following vote: Yeas, 26; nays, 65; not voting, 7.

Voting yea: Representatives Bagnariol, Bausch, Boldt, Charnley, Clemente, Cochrane, Conner, Douthwaite, Eng, Erickson, Fortson, Gaspard, Kilbury, Lux, Lysen, McKibbin, North, O'Brien, Osterman, Randall, Sherman, Shipoch, Sommers, Valle, Warnke, Williams.

Voting nay: Representatives Adams, Amen, Barnes, Bauer, Becker, Bender, Blair, Brown, Ceccarelli, Chandler, Charette, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Fischer, Flanagan, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Matthews, Maxie, May, McCormick, Moon, Morgen, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Sawyer, Schumaker, Seeberger, Smith E. P., Thompson, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Berentson, Bond, Martinis, Moreau, Parker, Perry, Smith R.

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Newhouse to House Rule 81.

Representatives Nelson, Lee, Barnes, Curtis and Polk spoke in favor of the amendment, and Representatives Thompson, Hurley (Margaret) and Charette spoke against it.

Mr. Knowles demanded the previous question and the demand was sustained.

Mr. Newhouse rose to close debate.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Newhouse, in reviewing Rule 52 and also Rule 56, you would have the right to close debate if the question was on final passage or the motion to postpone indefinitely was pending. In this instance it was just an amendment to a rule change so it doesn't come under the category of final passage or of a motion to indefinitely postpone, so it would appear you wouldn't have the right to close debate."

POINT OF ORDER

Mr. Polk: "Mr. Speaker, Rule 52 does state that the mover of the question may close debate except as provided in Rule 55. Wouldn't that require a suspension of the rules to deny Representative Newhouse the right to close debate?"

The Speaker Pro Tem: "If you read Rule 56, it states rather clearly on the question of the previous question and what it does."

Mr. Bender demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the amendment to House Rule 81 by Representative Newhouse, and the amendment was not adopted by the following vote: Yeas, 39; nays, 53; not voting, 6.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Brown, Chandler, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hawkins, Hayner, Hendricks, Hurley G. S., Juelling, Kuehne, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Seeberger, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Morgen, North, O'Brien, Osterman, Randall, Sawyer, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Bond, Martinis, Moreau, Parker, Perry, Smith R.

MOTION

On motion of Mr. Thompson, the House reverted to the sixth order of business.

MESSAGE FROM THE SENATE

March 5, 1976

Mr. Speaker:

The President has signed:

SENATE BILL NO. 3026,
SENATE BILL NO. 3036,
SENATE BILL NO. 3091,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

SENATE BILL NO. 3026,
SENATE BILL NO. 3036,
SENATE BILL NO. 3091.

MESSAGE FROM THE SENATE

March 4, 1976

Mr. Speaker:

The Senate 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,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

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 we recommend that the following amendments be adopted:

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, Clarke, Walgren; Representatives Eikenberry, Smith (Rick).

MOTION

Mr. Eikenberry moved that the report of the Free Conference Committee be adopted.

Representatives Eikenberry and Knowles spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Bill No. 1340 as amended by the Free Conference Committee.

Mr. Eikenberry spoke in favor of passage of the bill.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 89; nays, 3; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Charette, Douthwaite, Seeberger.

Not voting: Representatives Bond, Erickson, Martinis, Moreau, Parker, Smith R.

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.

SENATE AMENDMENT TO HOUSE BILL

March 4, 1976

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1311 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 ~~((five))~~ one-half of one percent of all personal property accounts listed ~~((in any county))~~ each calendar year." and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Randall moved that the House do concur in the Senate amendment to House Bill No. 1311.

Representatives Randall and Charette spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of House Bill No. 1311 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1311 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; nays, 5; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Morgen, Newhouse, North, O'Brien,

Osterman, Pardini, Paris, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Barnes, Gallagher, Kuehnle, Nelson, Wojahn.

Not voting: Representatives Bond, Gaines, Martinis, Moreau, Parker, Smith R.

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

HOUSE BILL NO. 1392, by Representatives Newhouse, Freeman, Hansey, Flanagan, Curtis, Matthews, Hayner, Patterson, Gilleland, Pardini and Greengo:

Establishing a new retirement system for certain public employees.

The House resumed consideration of the bill on second reading. (For previous action, see yesterday's Journal.)

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Seeberger and others to page 5, line 31 of the amendment by Representatives Sommers, Kuehnle, Warnke and Blair.

POINT OF PARLIAMENTARY INQUIRY

Mr. Blair: "We were in the process of debating this amendment yesterday afternoon and I want to know whether the provisions of Rule 52 would apply across the span of two days; in other words, are those members who addressed this amendment yesterday prohibited from speaking to it again on this day? If so, who were those members?"

The Speaker Pro Tem: "Rule 52 would apply. The speakers yesterday were Representatives Seeberger, Sommers, Blair, Whiteside, Eikenberry and Rick Smith. The question before you is adoption of the amendment to page 5, line 31 of the Sommers amendment."

MOTION

Mr. Kuehnle moved that the rules be suspended to reconsider all the amendments acted on yesterday.

The Speaker Pro Tem: "It appears, Representative Kuehnle, that probably the simplest way out would be to allow each member to resubmit their amendments and we would go from there."

With the consent of the House, Representative Sommers withdrew temporarily the amendment by Representatives Sommers, Warnke, Kuehnle and Blair.

Mr. Newhouse moved adoption of his amendment to page 24, line 7, adding new sections. (For amendment, see yesterday's Journal.)

Mr. Newhouse spoke in favor of the amendment, and Representatives Blair and Sommers spoke against it.

POINT OF INQUIRY

Mr. Blair yielded to question by Mr. Pardini.

Mr. Pardini: "Representative Blair, the Newhouse amendment, which is probably the major amendment on House Bill No. 1392 before we go to the committee version, deals with the LEOFF system. The LEOFF system, as I understand it, is probably the one with the greatest unfunded liability and the highest cost. The highest cost came about because of the law enforcement and fire fighter people being eligible for full benefit at age fifty-five. They, of course, require the counties to have the men to perform these particular duties. During the consideration by the subcommittee, was there any thought given to the idea that after age fifty-five, when that policeman or other law enforcement person retires, that maybe at that point in time there could be some type of payback into the system in order to reduce the costs? What you have is a dual squeeze on the law enforcement man—he needs a living wage to send his kids to school and this type of thing during his earning years, from twenty-five to fifty-five, but you have the great impact of cost—forty-nine cents for every dollar of wages earned, or forty-two cents for every dollar under your proposal. Is there any middle ground where they can have a living wage to take care of their families during that period of time, give them the early retirement at age fifty-five because of the physical necessity, but then

have some payback for ages between fifty-five and sixty-five so that the great cost to the system can be reduced?"

Mr. Blair: "The LEOFF system does not have the greatest unfunded liability. The teachers' retirement system far and away has the greatest unfunded liability of any of our retirement systems. The greatest unfunded liability per member is in the judicial retirement system, but right there up with both of those two and the high cost per member and in high unfunded liability, is the present LEOFF system and one of the reasons why the present system is so costly, and the same reason why even a new system would be costly, is because that present unfunded liability has to be taken care of. So look at your chart of the forty-two percent that the new system will cost for every employee. Almost twenty percent of that is unfunded liability of the present system, which will take forty years to pay off. At the end of that forty years we will come down to a system that costs twenty-two and a half percent, not forty-two percent. That's about the only bright light at the end of this long tunnel. We are in a box right now of owing a massive amount of money to this system along with the others. There is no way we could devise any system that would get us out of that obligation. Forty years from now, when we have paid off the unfunded liability of the present system, and if we haven't in the meantime done the same sort of things that got us into this problem in the new system, then we will get systems that are reasonably economical to fund. The most expensive would be the new LEOFF system, twenty-two and a half percent. The other systems would all be less than ten percent."

Mr. Pardini: "To make my question more direct, did the subcommittee consider any approach wherein members of the law enforcement system, as we set this new retirement system up, could have some payback feature during their years of age fifty-five to sixty-five when they receive full benefit without actuarial reduction to help prevent the unfunded liability of the new system increasing faster than this state may be able to support?"

Mr. Blair: "The rates that we have set will not create any unfunded liability for the new system. They will cover the costs of even the fifty-five year retirement age. The twenty-two and a half percent is a sufficient amount of money to meet that obligation and we will not be creating any unfunded liability. We did not try to devise any way in which new employees could be assessed to pay for the unfunded liability of the existing system; no, we felt that was the obligation of all the taxpayers of the state, due to the lack of foresight of past sessions of the legislature, if you will."

Mr. Pardini: "Did you attempt to devise a system wherein new employees would be able to pay the seven and a half percent which you have proposed in the new system that the state would bear?"

Mr. Blair: "We discussed this and we decided that a sharing between the employee, the employer and the state in the theory of the present system but with an equal sharing required, instead of the unbalanced sharing of the present system, was a reasonable approach."

Mr. Newhouse spoke again in favor of his amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Newhouse to House Bill No. 1392, and the amendment was not adopted by the following vote: Yeas, 26; nays, 64; not voting, 8.

Voting yea: Representatives Amen, Barnes, Berentson, Curtis, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Jueling, Leckenby, Lee, Matthews, Newhouse, Pardini, Patterson, Polk, Schumaker, Seeberger, Whiteside, Wilson.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Morgen, Nelson, North, O'Brien, Osterman, Paris, Perry, Peterson, Randall, Sawyer, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wojahn, Zimmerman.

Not voting: Representatives Bond, Brown, Chandler, Eikenberry, Martinis, Moreau, Parker, Smith R.

MOTION

On motion of Mr. Thompson, the House recessed until 1:45 p.m.

AFTERNOON SESSION

The House was called to order at 1:45 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Berentson, Bond, Haley, Kalich, Martinis, McKibbin, Moreau, Sawyer and Smith (Rick). Representatives Bond, Martinis and Moreau were excused.

MESSAGE FROM THE SENATE

March 5, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 90,
SUBSTITUTE HOUSE BILL NO. 1366,
HOUSE BILL NO. 1496,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SECOND READING

HOUSE BILL NO. 1392:

The House resumed consideration of the bill on second reading.

Mr. Seeberger moved adoption of the following amendment:

On page 5, line 30 add a new subsection to read as follows:

"(4) Judges of the supreme court, appellate courts, superior courts, and such inferior courts as the legislature may provide."

Renumber the remaining subsections consecutively.

Mr. Seeberger spoke in favor of the amendment, and Ms. Sommers spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Seeberger to House Bill No. 1392, and the amendment was not adopted by the following vote: Yeas, 16; nays, 59; not voting, 23.

Voting yea: Representatives Ceccarelli, Charette, Curtis, Deccio, Eikenberry, Gaines, Hayner, Hurley G. S., Knowles, Newhouse, Pardini, Patterson, Seeberger, Smith E. P., Whiteside, Williams.

Voting nay: Representatives Adams, Amen, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Chandler, Clemente, Cochrane, Conner, Douthwaite, Dunlap, Ehlers, Erickson, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Hansen, Haussler, Hawkins, Hendricks, Hurley M., Jastad, Juelling, Kilbury, King, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Morgen, North, O'Brien, Osterman, Paris, Randall, Schumaker, Sherman, Sommers, Thompson, Tilly, Valle, Warnke, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Barnes, Bond, Charnley, Eng, Haley, Hanna, Hansey, Kalich, Kuehnle, Leckenby, Lee, Martinis, Matthews, Moreau, Nelson, Parker, Perry, Peterson, Polk, Sawyer, Shinpoch, Smith R.

The Clerk read the following amendment by Representative Seeberger to House Bill No. 1392:

On page 22, beginning with line 34 strike section 38 and renumber the remaining sections consecutively.

With the consent of the House, Mr. Seeberger withdrew the amendment.

Ms. Sommers moved adoption of the amendment by Representatives Sommers, Kuehnle, Warnke and Blair, striking the entire bill and inserting new material. (For amendment, see yesterday's Journal.)

Mr. Kuehnle moved adoption of the following amendment to the amendment by Representative Sommers and others:

On page 1, line 18 strike "high"

Mr. Kuehnle spoke in favor of the amendment.

POINT OF PARLIAMENTARY INQUIRY

Mr. Blair: "Yesterday we adopted this amendment and we rejected the next two amendments by Representative Kuehnle. Am I to understand that we are now required to go back and repeat those actions because of the withdrawing of the Sommers amendment, or did we not carry that impact as it was the moment we withdrew from it? We have already voted once on this amendment."

The Speaker Pro Tem: "It is our position, Representative Blair, that when Representative Sommers withdrew her amendment, we commenced the process all over again."

The amendment to the Sommers amendment was adopted.

The Clerk read the following amendment by Representatives Seeberger, Whiteside, Eikenberry and Knowles to the Sommers amendment:

On page 5, line 31 add a new subsection to read as follows:

"(4) Judges of the supreme court, appellate courts, superior courts, and such inferior courts as the legislature may provide."

Re-number the remaining subsections consecutively.

With the consent of the House, Mr. Seeberger withdrew the amendment.

Mr. Kuehnle moved adoption of the following amendment to the amendment:

On page 6, strike section 6 and insert the following:

"NEW SECTION. Sec. 6. EMPLOYER AND MEMBER CONTRIBUTIONS.

On and after July 1, 1977, every member and the employer of every member shall contribute a percentage of the member's payroll period compensation as required by the retirement board based on actuarial valuations: PROVIDED, That such percentage rate of contribution shall always be equal for both the member and the employer. The percentage rate of contribution shall be computed annually and may be increased or decreased as determined by the retirement board. The percentage rate of contribution may include a specific increment which shall reduce the projected level of unfunded liability if the retirement board determines that such an additional increment is necessary."

Mr. Kuehnle spoke in favor of the amendment to the amendment.

POINT OF INQUIRY

Mr. Kuehnle yielded to question by Mr. Blair.

Mr. Blair: "Representative Kuehnle, you have, in addition to deleting the specific itemization of four percent of initial contributions, inserted another sentence in your new section which is not in the original one, and that is that the percentage rate of contributions may include a specific increment which shall reduce the projected level of unfunded liability. In the context that you have included that sentence, did you intend that the distribution of that specific incremental cost should be distributed between the employee and the employer? You are containing it in the same section that refers to that division of responsibility for normal costs, and I am perplexed as to whether or not you are saying that the new employee should share in paying the cost of the already established unfunded liability. Is that your intent?"

Mr. Kuehnle: "Absolutely not. The intent of the language as drafted would definitely indicate that in the event that an unfunded liability should develop—and that could happen you know; benefit levels increase or if we suddenly had an insurge of employees of one type or another that would cause an instant unfunded liability—then that unfunded liability could be proportioned out and charged back to both the employee and the employer, but it would not relate in any way whatsoever to the accumulated unfunded liability of the old system."

Mr. Blair: "You are referring to some future unfunded liability which would develop in the new system and not to any unfunded liability in any existing system?"

Mr. Kuehnle: "That is correct."

Representatives Blair and Sommers spoke against the amendment to the amendment, and Mr. Kuehnle spoke again in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kuehnle to page 6, adding a new section 6 to the Sommers amendment, and the amendment to the amendment was not adopted by the following vote: Yeas, 31; nays, 54; not voting, 13.

Voting yea: Representatives Amen, Barnes, Chandler, Curtis, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Greengo, Hansen, Hayner, Hurley G. S., Jastad, Juelling, Kuehnle, Leckenby, Lee, Matthews,

Nelson, Newhouse, Pardini, Paris, Patterson, Polk, Schumaker, Seeberger, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hendricks, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Morgen, North, O'Brien, Osterman, Parker, Peterson, Randall, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Berentson, Bond, Eikenberry, Haley, Hansey, Hawkins, Hurley M., Kalich, Martinis, Moreau, Perry, Sawyer, Smith R.

Mr. Pardini moved adoption of the following amendment to the amendment:

On page 7, line 22 after "act," strike everything down to and including "two" on line 35 and insert "except that the allowance payable shall be computed to be the actuarial equivalent of the allowance payable at age 65"

Representatives Pardini and Douthwaite spoke in favor of the amendment to the amendment, and Ms. Sommers spoke against it.

Mr. Pardini spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Pardini to the Sommers amendment to House Bill No. 1392, and the amendment was adopted by the following vote: Yeas, 45; nays, 39; not voting, 14.

Voting yea: Representatives Amen, Barnes, Berentson, Ceccarelli, Chandler, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Flanagan, Freeman, Gaines, Gilleland, Greengo, Hansen, Hayner, Hurley M., Juelling, Knowles, Kuehnle, Leckenby, Lee, Lux, Lysen, Matthews, May, McCormick, Nelson, Newhouse, Pardini, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Smith E. P., Tilly, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Adams, Bauer, Bausch, Becker, Blair, Boldt, Brown, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Eng, Erickson, Fischer, Fortson, Gallagher, Gaspard, Hanna, Haussler, Hendricks, Hurley G. S., Jastad, Kilbury, King, Laughlin, Maxie, McKibbin, Morgen, North, O'Brien, Osterman, Paris, Sherman, Sommers, Thompson, Valle, Warnke.

Not voting: Representatives Bagnariol, Bender, Bond, Haley, Hansey, Hawkins, Kalich, Martinis, Moon, Moreau, Perry, Sawyer, Shinpoch, Smith R.

Mr. Kuehnle moved adoption of the following amendment to the Sommers amendment:

On page 8, line 17 after "service" strike the period and insert ": PROVIDED, That such authorized leave of absence shall not exceed four calendar years unless such service shall be performed during a national emergency as declared by the President or the Congress of the United States."

Representatives Kuehnle and Blair spoke in favor of the amendment to the amendment, and it was adopted.

Mr. Flanagan moved adoption of the following amendment by Representatives Flanagan and Warnke to the Sommers amendment:

On page 10, following line 24 insert a new section to read as follows:

"NEW SECTION. Sec. 16. FOR THE PURPOSE OF KEEPING THE MEMBERS OF LEGISLATURE BETTER INFORMED THE BOARD SHALL SUBMIT THE FOLLOWING REPORTS TO THE LEGISLATURE ON A CURRENT AND TIMELY BASIS:

(1) A quarterly balance sheet which clearly shows the value of all securities and/or other assets held in the investment portfolio of the system. The report shall show the value of the securities at cost, as of date of purchase, and at market as of the date of the report. Such report shall also contain for comparative purposes the same information for the same quarter in the previous year.

(2) An annual report based on the above quarterly data which shall in addition make a comparison with the data for the previous five years. The annual report shall also include the total benefit payments made for the previous year compared with the payments over the previous five years and shall contain an estimate of what the benefit payments shall be over the succeeding five year period."

Renumber the remaining sections consecutively.

Representatives Warnke, Newhouse and Curtis spoke in favor of the amendment to the amendment, and Mr. Blair spoke against it.

The amendment to the amendment was adopted.

Mr. Amen moved adoption of the following amendment to the Sommers amendment:

On page 10, line 30 after "local" and before "tax" insert "income"

Representatives Amen and Sommers spoke in favor of the amendment to the amendment, and it was adopted.

On motion of Ms. Sommers, the following amendments by Representatives Sommers, Warnke, Freeman and Blair to the amendment were adopted:

On page 11, line 21 after "state" insert "as defined in subsection (4) of section 2 of this act including any first class city operating its own retirement system and as defined in subsection (3) of section 35 of this act"

On page 28, line 25 after "state" insert "as defined in subsection (3) of section 35 of this act and as defined in subsection (4) of section 2 of this act including any first class city operating its own retirement system"

On motion of Ms. Sommers, the following amendment to the amendment was adopted:

On page 18, line 3 strike "The legislative authority of any" and insert "Any"

On motion of Mr. Polk, the following amendments to the Sommers amendment were adopted:

On page 18, line 31 after "charter" strike the period and insert "or a person primarily responsible for the coordination and administration of law enforcement and fire protection services for a municipality and solely employed in such capacity."

On page 18, line 35 after "police" insert "or public safety"

Mr. Kuehnle moved adoption of the following amendment to the Sommers amendment:

On page 19, line 10 following "41.24 RCW" insert "fire fighter or fireman shall not include any employee who is not qualified to engage in the extinguishment and/or prevention of fires"

Mr. Kuehnle spoke in favor of the amendment to the amendment.

POINT OF INQUIRY

Mr. Kuehnle yielded to question by Mrs. Wojahn.

Mrs. Wojahn: "I've never heard of the word 'extinguishment.' Shouldn't it be 'extinguishing?' It just doesn't sound good to me and I don't think we should put this in the statute unless there is such a word."

Mr. Kuehnle: "That isn't a term I invented; it was already in the language as developed by the Code Reviser's Office. As a matter of fact, I had a note from the Code Reviser estimating he had spent twenty-eight hours scrupulously developing that language and it was he who developed the word 'self-extinguishment'."

Representatives Nelson and Sommers spoke in favor of the amendment to the amendment, and Mr. Douthwaite spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kuehnle to page 19, line 10 of the Sommers amendment to House Bill No. 1392, and the amendment was adopted by the following vote: Yeas, 60; nays, 23; not voting, 15.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Blair, Boldt, Ceccarelli, Chandler, Charette, Charnley, Clemente, Curtis, Deccio, Dunlap, Eikenberry, Eng, Erickson, Flanagan, Freeman, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hayner, Hurley M., Jastad, Jueling, Kilbury, King, Kuehnle, Leckenby, Lee, Matthews, Maxie, May, McKibbin, Morgen, Nelson, Newhouse, North, Osterman, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bausch, Cochran, Conner, Douthwaite, Ehlers, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hawkins, Hendricks, Hurley G. S., Lux, Lysen, McCormick, O'Brien, Randall, Sawyer, Warnke, Williams, Wojahn.

Not voting: Representatives Berentson, Bond, Brown, Haley, Kalich, Knowles, Laughlin, Martinis, Moon, Moreau, Parker, Perry, Seeberger, Sherman, Smith R.

Mr. Newhouse moved adoption of the following amendment to the Sommers amendment:

On page 22, beginning with line 32 strike "AND THE STATE OF WASHINGTON" down to "percent" on line 34 and insert "shall each initially contribute to the retirement board an amount equal to eleven"

Representatives Newhouse and Tilly spoke in favor of the amendment to the amendment, and Representatives Sommers and Warnke spoke against it.

Mr. Newhouse spoke again in favor of the amendment, and Mr. Warnke spoke again in opposition to it.

The amendment to the amendment was not adopted.

The Clerk read the following amendment by Representative Kuehnle to the Sommers amendment:

On page 22, strike section 41 and insert the following:

"NEW SECTION. Sec. 41. On and after July 1, 1977 every member, the employee of every member and the state of Washington shall contribute a percentage of the member's payroll period compensation as required by the retirement board based on actuarial valuations: PROVIDED, That such percentage rate of contribution shall always be equal for the member, the employer of every member and the state of Washington. The percentage rate of contribution shall be computed annually and may be increased or decreased as determined by the retirement board. The percentage rate of contribution may include a specific increment which shall reduce the projected level of unfunded liability if the retirement board determines that such an additional increment is necessary."

Renumber the remaining sections consecutively.

With the consent of the House, Mr. Kuehnle withdrew the amendment.

Mr. Kuehnle moved adoption of the following amendment to the Sommers amendment: On page 23, line 18 after "lease" strike "twenty" and insert "twenty-five"

Mr. Kuehnle spoke in favor of the amendment to the amendment, and Mr. Warnke spoke against it.

The amendment was not adopted.

On motion of Mr. Kuehnle, the following amendment to the Sommers amendment was adopted:

On page 24, line 8 after "service" insert ": PROVIDED, That such authorized leave of absence shall not exceed four calendar years unless such service shall be performed during a national emergency as declared by the President or the Congress of the United States"

The Speaker Pro Tem stated the question before the House to be adoption of the amendment by Representatives Sommers, Kuehnle, Warnke and Blair as amended.

Representatives Sommers and Kuehnle spoke in favor of the amended amendment.

Mr. Hansey demanded an electric roll call, and the demand was sustained.

Mr. Blair spoke in favor of adoption of the amended amendment.

POINT OF INQUIRY

Mr. Blair yielded to question by Mr. Pardini.

Mr. Pardini: "The question I have deals with one of the last sections, section 64. In section 64 we say that in establishing this new pension system, the legislature in subsequent years, inasmuch as new members will not be going into the old system, must appropriate the money to fund the old system. My question is twofold: Can we bind subsequent sessions of the legislature to fund the old system? Secondly, can we change this section next year by a majority vote or by a repeal of the section?"

Mr. Blair: "In answer to the questions in reverse order: Yes, future legislatures can repeal this entire act as you know. They can change anything in it and offer a completely new law. As for their ability however to remove their obligation of funds to the existing system, they have no more power than we do. The words in section 64 are of no importance as far as our responsibility to the existing system; they are only establishing a procedure, a direction, on how those funds will be put into the system in an orderly manner, but the actual obligation supersedes the power of the legislature to change through statutory language."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Sommers, Kuehnle, Warnke and Blair as amended to House Bill No. 1392, and the amended amendment was adopted by the following vote: Yeas, 52; nays, 35; not voting, 11.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Blair, Ceccarelli, Chandler, Charney, Clemente, Curtis, Douthwaite, Dunlap, Eng, Erickson, Fischer, Freeman, Gilleland, Greengo, Hanna, Hansey, Haussler, Hayner, Jueling, Kilbury, King, Kuehnle, Laughlin, Leckenby, Lee, Matthews, Maxie, May, McKibbin, Nelson, Osterman, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Shipoch, Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson.

Voting nay: Representatives Adams, Bausch, Berentson, Boldt, Charette, Cochrane, Conner, Deccio, Ehlers, Eikenberry, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Hansen, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Knowles, Lux, Lysen, McCormick, Morgen, Newhouse, North, O'Brien, Pardini, Sawyer, Williams, Wojahn, Zimmerman.

Not voting: Representatives Bond, Brown, Haley, Martinis, Moon, Moreau, Parker, Perry, Sherman, Smith E. P., Smith R.

STATEMENT FOR THE JOURNAL

I wish to change my vote from "nay" to "aye" on the Sommers amendment to House Bill No. 1392.

ALEX DECCIO, 15th District.

On motion of Ms. Sommers, the following amendment to the title was adopted:

Beginning on page 1, line 1 strike all of the title and insert the following:

AN ACT Relating to public employment; creating the Washington retirement system and the public law enforcement officers' and fire fighters' retirement system; adding new chapters to Title 41 RCW; adding a new section to chapter 2.10 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 51.52 RCW; defining crimes; providing penalties; and prescribing an effective date."

House Bill No. 1392 was ordered engrossed and passed to Committee on Rules for third reading.

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.

The House resumed consideration of the bill on second reading. (For previous action, see Journal, Fifty-eighth and Fifty-ninth Days, 2nd ex. sess., March 2 and 3, 1976.)

The Speaker Pro Tem stated the question before the House to be the following amendment by Representatives Flanagan and Warnke to the King amendment:

On page 14, line 27 insert a new section as follows:

"NEW SECTION. Sec. 7. FOR THE PURPOSE OF KEEPING THE MEMBERS OF LEGISLATURE BETTER INFORMED THE BOARD SHALL SUBMIT THE FOLLOWING REPORTS TO THE LEGISLATURE ON A CURRENT AND TIMELY BASIS.

(1) A quarterly balance sheet which clearly shows the value of all securities and/or other assets held in the investment portfolio of the system. The report shall show the value of the securities at cost, as of date of purchase, and at market as of the date of the report. Such report shall also contain for comparative purposes the same information for the same quarter in the previous year.

(2) An annual report based on the above quarterly data which shall in addition make a comparison with the data for the previous five years. The annual report shall also include the total benefit payments made for the previous year compared with the payments over the previous five years and shall contain an estimate of what the benefit payments shall be over the succeeding five year period."

Remember the remaining sections consecutively.

The amendment to the amendment was adopted.

The Speaker Pro Tem stated the question before the House to be the amendment by Representative King as amended.

Mr. King spoke in favor of the amended amendment.

MOTION

On motion of Mr. Thompson, SUBSTITUTE HOUSE BILL NO. 1605 was placed on the second reading calendar immediately following Substitute House Bill No. 1407.

POINT OF INQUIRY

Mr. King yielded to question by Mr. Newhouse.

Mr. Newhouse: "In your comments a few minutes ago before the intervening motion, you mentioned that this amendment of yours was negotiated with the affected people. Can you tell me who the affected people are and how they are affected by the provisions of this bill?"

Mr. King: "The affected people are the employees of the law enforcement and fire fighting system in the state of Washington. I know that the point you are getting at is that this bill doesn't apply to anybody who is now employed, consequently they would not be members of the organization. They are, however, looking at what they consider to be the best interests of the people who are coming into that system, and quite frankly, they are presenting this as a proposal that can be used to offset what might be a far harsher and crueler reaction on the

part of somebody with an initiative or somebody in some other body than this body, and the comparisons we have before us are really two bills, House Bill No. 1392 and Substitute House Bill No. 1405. As far as the law enforcement and fire fighter's system, Substitute House Bill No. 1405 saves us more money than House Bill No. 1392 does and I think that's the major comparison. It has been put together with assistance and help from the people who represent those organizations."

Mr. Eikenberry spoke in favor of the amendment as amended, and Representatives Newhouse and Sommers spoke against it.

POINT OF ORDER

Mr. King: "I think when you argue about something and say that it doesn't do something when no one has said that it does those things, is arguing not germane to the topic. It's just simply not germane to the topic, there are other bills that don't do things."

Representatives Parker, Bagnariol and Kuehnle spoke in favor of the amended amendment, and Mr. Hurley (George) spoke against it.

The amendment as amended was adopted.

Mr. King moved adoption of the following amendment to the title:

On line 2 of the title after "system;" strike the remainder of the title and insert "amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.030; amending section 3, chapter 257, Laws of 1971 ex. sess. as amended by section 8, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.045; amending section 8, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.080; amending section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.120; amending section 13, chapter 209, Laws of 1969 ex. sess. as amended by section 8, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.130; amending section 14, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.140; amending section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 11, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.150; amending section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 5, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.160; amending section 24, chapter 209, Laws of 1969 ex. sess. as last amended by section 13, chapter 120, Laws of 1974 ex. sess. and RCW 41.26.240; creating a new section; adding new sections to chapter 41.26 RCW; and declaring an emergency."

On motion of Mr. Conner, the following amendment by Representatives Conner and Blair to the title amendment was adopted:

On page 25, line 1 of the title after "41.26.240;" insert "adding a new section to chapter 41.18 RCW;"

The title amendment by Representative King as amended was adopted.

Substitute House Bill No. 1405 was ordered engrossed and passed to Committee on Rules for third reading.

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.

The House resumed consideration of the bill on second reading. (For previous action, see Journal, Fifty-eighth Day, 2nd ex. sess., March 2, 1976.)

POINT OF PARLIAMENTARY INQUIRY

Mr. Gaspard: "When we postponed action on this bill a few days ago, we were in the middle of adopting other amendments. Do I have to withdraw those amendments at this time?"

The Speaker Pro Tem: "We have placed your revised amendments and assumed that you were withdrawing the other amendments."

On motion of Mr. Gaspard, the following amendments were adopted:

On page 1, line 21 after "who" and before "not" strike "are" and insert "were"

On page 1, line 24 after "final compensation." and before section 2 add a new paragraph as follows:

"Notwithstanding any other provision of law to the contrary, the persons governed by this section shall be subject to the same eligibility standards, receive the same benefits and they and their employers shall contribute at the same rates as any other person first establishing membership in the retirement system on or after the effective date of this 1976 amendatory act."

On page 8, beginning on line 22 strike the balance of the section and insert:

"This section shall apply only to persons who become members of the retirement system on or after the effective date of this 1976 amendatory act.

(1) Any member with five years of creditable service who has attained age sixty-five may retire upon such member's written application to the retirement board.

(2) Any member who has completed thirty years of creditable service and has attained age sixty-two may retire upon such member's written application to the board.

(3) Any member who has completed at least five years creditable service and has attained at least age fifty-five may retire upon such member's written application to the retirement board and shall receive an allowance actuarially reduced as follows:

(a) If the member would, if he had continued in service, attain thirty years of creditable service at or before the time he attained sixty-two years of age, his retirement allowance will be reduced so as to be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-two;

(b) If the member would, if he had continued in service, attain thirty years of creditable service after the time he would have attained the age of sixty-two, but before he would have attained age sixty-five, then his retirement allowance will be reduced so as to be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of the age at which he would have attained thirty years creditable service;

(c) If the member would, if he had continued in service, attain thirty years of creditable service at or after the time he would have attained age sixty-five, then his retirement allowance shall be reduced so as to be the actuarial equivalent of the sum necessary to pay required retirement benefits as of age sixty-five.

All applications required by this section shall set forth at which time, not more than ninety days subsequent to the execution and filing thereof, the member desires to be retired.

Any member who is eligible to retire under the provisions of this section shall be allowed to retire while on authorized leave of absence not in excess of one hundred and twenty days."

Mr. Gaspard moved adoption of the following amendment:

On page 14, line 15 after "legislature" strike the remainder of the sentence and insert "and the total of the legislative salary and the salary which is received for the position from which the leave of absence is taken is less than the salary which would have been received for the position from which the leave of absence was taken, the difference shall be considered as compensation earnable if the employee's and employer's contributions thereon are paid by the employee."

Mr. Gaspard spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Kuehnle.

Mr. Kuehnle: "I'm trying to compare the situation if we adopt this amendment with the situation that we have now. I think presently, a teacher, for example, can take credit for the contract salary rather than actual salary received, is that correct? I think under existing language one who serves in the legislature on leave from another position, and primarily we are talking about teachers if I understand it correctly, gets credit for their contract salary without reduction for the time off to serve in the legislature. Is that correct?"

Mr. Bagnariol: "You are correct on that, Representative Kuehnle. I think what the amendment by Representative Gaspard is really getting to, is if you are a public employee—let's assume you work for the county and you have a salary of \$20,000 per year, then you cannot add to that \$20,000 the \$3800 salary you receive from the legislature to compute your final average salary. I think I'm correct on that. What we are talking about is, if you are a public employee for King County, then the maximum you could have credit for is your county salary and not your county salary plus your legislative pay."

Mr. Blair spoke in favor of the amendment, and it was adopted.

On motion of Mr. Gaspard, the following amendments were adopted:

On page 16, line 29 insert a new section as follows:

"NEW SECTION. Sec. 10. There is added to chapter 41.40 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 41.40.361(2), as now or hereafter amended, effective May 1, 1976 no employer shall be required to make total combined contributions of the normal contribution and unfunded liability contribution in excess of a total combined percentage rate of six percent, unless authorized by the legislature."

Renumber the remaining sections consecutively.

On page 16, beginning on line 34 strike all of section 11 and insert the following:

"NEW SECTION. Sec. 11. This 1976 amendatory act shall take effect on May 1, 1976."

On motion of Ms. Sommers, the following amendment was adopted:

On page 13, line 24 strike everything down to and including "section" on line 31 and insert "This section shall apply only to persons who become members of the retirement system on or after the effective date of this 1976 amendatory act."

MOTION FOR RECONSIDERATION

Mr. Gaspard, having voted on the prevailing side, moved that the House now reconsider the vote by which the amendment to page 16, line 34 was adopted.

The motion was carried.

With the consent of the House, Mr. Gaspard withdrew the amendment to page 16, line 34.

On motion of Ms. Sommers, the following amendment was adopted:
On page 17, line 1 strike "immediately" and insert "on May 1, 1976"

On motion of Ms. Sommers, the following amendment to the title was adopted:
On page 1, line 14 of the title strike "emergency" and insert "effective date"

Substitute House Bill No. 1407 was ordered engrossed and passed to Committee on Rules for third reading.

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.

The bill was read the second time. (For previous action see Journal, Fifty-eighth Day, 2nd ex. sess., March 2, 1976.)

MOTION

Mr. Nelson moved that the Committee on Higher Education be relieved of HOUSE BILL NO. 1522, and that it be made a special order of business for 11:00 a.m. on the next working day.

Representative Nelson spoke in favor of the motion, and Ms. Maxie spoke against it.

Representative Peterson spoke in favor of the motion.

POINT OF ORDER

Mr. Thompson: "Mr. Speaker, we've had a motion to withdraw a bill from committee and place it before us and the speakers on the other side of the aisle are addressing the matter as if the bill were before us and the motion had passed."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Your point is well taken. Reed's Rule 120 refers to that very question. The motion to commit is debatable, but the merits of the main question are not open to discussion on this motion, since that discussion will be in order when the committee reports. You will have to hold your comments directly to why the committee should be relieved of the bill for the purpose of placing it on the calendar for second reading."

Mr. Peterson closed his comments in favor of the motion.

Mr. Patterson spoke in favor of the motion, and Mrs. Osterman spoke against it.

Mr. Bender demanded the previous question, and the demand was not sustained.

Mr. Sawyer spoke against the motion, and Mr. Bond spoke in favor of it.

POINT OF ORDER

Mr. Thompson: "Mr. Speaker, we are hearing the bill again."

The Speaker Pro Tem: "Representative Bond, will you hold your remarks to the issue?"

Mr. Bond concluded his remarks in favor of the motion.

Mr. Knowles demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to relieve the Committee on Higher Education of House Bill No. 1522 and make it a special order of business on the next working day, and the motion was lost by the following vote: Yeas, 35; nays, 57; not voting, 6.

Voting yea: Representatives Amen, Barnes, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Juelling, Kuehnle,

Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Morgen, North, O'Brien, Osterman, Parker, Perry, Randall, Sawyer, Seeberger, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Berentson, Hanna, Martinis, Moreau, Sherman, Smith R.

The House resumed consideration of Substitute House Bill No. 1605.

On motion of Ms. Sommers, the following amendment was adopted:

On page 4, line 22 strike everything down to and including "section" on line 29 and insert "This section shall apply only to persons who become members of the retirement system on or after the effective date of this 1976 amendatory act."

On motion of Mr. Ehlers, the following amendments were adopted:

On page 5, line 13 after "state legislature," strike the remainder of the section and insert "and the total of the legislative salary and the salary which is received for the position from which the leave of absence is taken is less than the salary which would have been received for the position from which the leave of absence was taken, the difference shall be considered as compensation earnable if the employee's and the employer's contributions thereon are paid by the employee."

On page 6, line 26 beginning with "This" strike the remainder of the section and insert:

"This section shall apply only to persons who become members of the retirement system on or after the effective date of this 1976 amendatory act.

(1) Any member with five years of creditable service who has attained age sixty-five may retire upon such member's written application to the retirement board.

(2) Any member who has completed thirty years of creditable service and has attained age sixty-two may retire upon such member's written application to the board.

(3) Any member who has completed at least five years creditable service and has attained at least age fifty-five may retire upon such member's written application to the retirement board and shall receive an allowance actuarially reduced as follows:

(a) If the member would, if he had continued in service, attain thirty years of creditable service at or before the time he attained sixty-two years of age, his retirement allowance will be reduced so as to be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-two;

(b) If the member would, if he had continued in service, attain thirty years of creditable service after the time he would have attained the age of sixty-two, but before he would have attained age sixty-five, then his retirement allowance will be reduced so as to be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of the age at which he would have attained thirty years creditable service;

(c) If the member would, if he had continued in service, attain thirty years of creditable service at or after the time he would have attained age sixty-five, then his retirement allowance shall be reduced so as to be the actuarial equivalent of the sum necessary to pay required retirement benefits as of age sixty-five.

All applications required by this section shall set forth at which time, not more than ninety days subsequent to the execution and filing thereof, the member desires to be retired.

Any member who is eligible to retire under the provisions of this section shall be allowed to retire while on authorized leave of absence not in excess of one hundred and twenty days."

On page 9, line 15 add a new section to read as follows:

"**NEW SECTION.** Sec. 7. There is hereby added to chapter 41.32 RCW a new section to read as follows:

Any savings resulting from the implementation of this 1976 amendatory act shall be applied to reducing the employer contribution rate for current personnel and personnel hired after the effective date of this amendatory act."

Renumber the remaining sections consecutively.

On motion of Ms. Sommers, the following amendment was adopted:

On page 9, line 22 strike "immediately" and insert "on May 1, 1976"

Mr. Brown moved adoption of the following amendment by Representatives Brown and Conner:

On page 5, following line 17 insert a new section to read as follows:

"**NEW SECTION.** Sec. 3. There is added to chapter 41.32 RCW a new section to read as follows:

In any event, and notwithstanding the provisions of RCW 41.32.310, after completing twenty-five years of creditable service, any member may have his service in the armed forces credited to him as membership service whether or not his public school service was interrupted by such active military service: PROVIDED, That in no instance described in this section, shall military service in excess of five years be established or reestablished: AND PROVIDED FURTHER, That the member shall present satisfactory proof of military service and make payments in such amount and by such method as may be determined by the board of trustees. Such payments shall be made within one year after the member completes

twenty-five years of creditable service. Those members who have twenty-five or more years of creditable service on the effective date of this 1976 amendatory act shall have one year from the effective date of this 1976 amendatory act to make the necessary payment: AND PROVIDED FURTHER, That in no instance shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code."

Renumber the remaining sections consecutively.

Mr. Brown spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Brown yielded to question by Mr. Douthwaite.

Mr. Douthwaite: "Does this include people who are presently in the system, or is it just new people?"

Mr. Brown: "This would include those already in as well as new people."

Mr. Douthwaite: "Do you have any idea whether this is practical for a person who is already in, in terms of how much it would cost him to take advantage of this position?"

Mr. Brown: "I don't know what it would cost that person to do it. That's a decision he's going to have to make when the board sets up the requirements for payments—he'll have to make the decision then whether or not it's worth it."

Representatives Conner and Moon spoke in favor of the amendment, and Representatives Bagnariol, Deccio, Kuehne, Barnes, Sommers and Warnke spoke against it.

The amendment was not adopted.

On motion of Mr. Flanagan, the following amendment by Representatives Flanagan and Warnke was adopted:

On page 9, line 15 insert a new section as follows:

"NEW SECTION. Sec. 7. FOR THE PURPOSE OF KEEPING THE MEMBERS OF LEGISLATURE BETTER INFORMED THE BOARD SHALL SUBMIT THE FOLLOWING REPORTS TO THE LEGISLATURE ON A CURRENT AND TIMELY BASIS:

(1) A quarterly balance sheet which clearly shows the value of all securities and/or other assets held in the investment portfolio of the system. The report shall show the value of the securities at cost, as of date of purchase, and at market as of the date of the report. Such report shall also contain for comparative purposes the same information for the same quarter in the previous year.

(2) An annual report based on the above quarterly data which shall in addition make a comparison with the data for the previous five years. The annual report shall also include the total benefit payments made for the previous year compared with the payments over the previous five years and shall contain an estimate of what the benefit payments shall be over the succeeding five year period."

Renumber the remaining sections consecutively.

Substitute House Bill No. 1605 was ordered engrossed and passed to Committee on Rules for third reading.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

HOUSE BILL NO. 1311,
HOUSE BILL NO. 1340.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Saturday, March 6, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SIXTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wash., Saturday, March 6, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Brown, Hanna, Hayner, Parker, Sawyer and Sherman. Representatives Brown, Hayner and Sherman were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Patty Burns and Scott McPherson. Prayer was offered by the Reverend Richard Hart of the First Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 5, 1976

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 3281,

SUBSTITUTE SENATE JOINT RESOLUTION NO. 139,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 5, 1976

Mr. Speaker:

The Senate 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.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 4, 1976

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, as amended by the Senate, 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 amend the bill.

Signed by Senators North, Odegaard, Stortini; Representatives Bauer, Bender, Dunlap.

MOTION

On motion of Mr. Bauer, the report of the Conference Committee was adopted, and the committee was granted the powers of Free Conference.

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 to amend the bill.

Signed by Senators von Reichbauer, Guess, Rasmussen; Representatives Gaspard, Brown, Boldt.

MOTION

On motion of Mr. Gaspard, the report of the Conference Committee was adopted, and the committee was granted the powers of Free Conference.

INTRODUCTION AND FIRST 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.

To Committee on Social and Health Services

SUBSTITUTE SENATE JOINT RESOLUTION NO. 139, by 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.

To Committee on Rules

SECOND READING

SUBSTITUTE SENATE BILL NO. 2038, by Committee on Ecology (Originally sponsored by Senator Rasmussen):

Regulating environmentally hazardous wastes.

The bill was read the second time.

Committee on Ecology recommendation: Majority, do pass as amended. (For amendments, see Journal, Fifty-second Day, 2nd ex. sess., February 25, 1976.)

Committee on Ways and Means - Appropriations recommendation: Majority, do pass as amended amended by the Committee on Ecology.

On motion of Mrs. Valle, the committee amendments were adopted.

Mr. Chandler moved adoption of the following amendment by Representatives Chandler, Zimmerman and Valle:

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."

Re-number the remaining section consecutively.

Mr. Chandler spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Chandler yielded to question by Mr. Newhouse.

Mr. Newhouse: "Who regulates this position?"

Mr. Chandler: "The state of Washington could regulate hazardous wastes, but simply not under chapter 80.50 which is the existing law. It's very likely after some court tests that we will be in the business of regulating wastes, and so forth, but just not under this chapter."

Mrs. Valle spoke in favor of the amendment, and it was adopted.

On motion of Mr. Chandler, the following amendment by Representatives Chandler, Zimmerman and Valle was adopted:

On page 6, line 16 after "through" strike "10" and insert "11"

On motion of Mrs. Valle, the committee amendment to the title was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 2038 as amended by the House was placed on final passage.

Mrs. Valle spoke in favor of passage of the bill.

POINT OF INQUIRY

Mrs. Valle yielded to question by Mr. Boldt.

Mr. Boldt: "Is it the intent of this act that the words 'hazardous, dangerous and extremely hazardous wastes' as they are used in this bill will not conflict with the definitions as laid out by the Environmental Protection Agency and the Water Pollution Control Act of the United States?"

Mrs. Valle: "To the best of my knowledge, they will not. We had testimony from the EPA and we had good staff research on this and I should think there would be no conflict."

Mr. Boldt: "That is the intent of this act, that they do not conflict, and the definitions at the federal level would supersede?"

Mrs. Valle: "That is my understanding."

POINT OF INQUIRY

Mrs. Valle yielded to question by Mr. Matthews.

Mr. Matthews: "In section 4 it talks about a local comprehensive plan to be adopted before January 1, 1976. I assume then that has already been done or that is a typo, one or the other. Could you explain a little bit about this for the benefit of some of us?"

Mrs. Valle: "It is not to conflict with any local plans."

Mr. Matthews: "Is that local plan approved? Is there a plan in effect now?"

Mrs. Valle: "It is my understanding from the Department of Ecology that there have been discussions, tentative discussions, in which plans have been going ahead. That's the best answer I can give you at this time."

Representatives Newhouse, Gallagher, Zimmerman and Valle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 2038 as amended by the House, and the bill passed the House by the following vote: Yeas, 78; nays, 12; not voting, 8.

Voting yea: Representatives Adams, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Freeman, Gaines, Gallagher, Gaspard, Greengo, Hansen, Hansey, Hawkins, Hendricks, Hurley G. S., Hurley M., Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Perry, Peterson, Polk, Randall, Seeberger, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Whiteside, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Bagnariol, Flanagan, Fortson, Gilleland, Haussler, Jastad, Juelling, Kalich, Schumaker, Tilly, Wilson.

Not voting: Representatives Brown, Haley, Hanna, Hayner, Martinis, Parker, Sawyer, Sherman.

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.

SENATE CONCURRENT RESOLUTION NO. 127, by Senators Francis and Woody:

Stating legislative intent to repay obligations to widows of police officers and directs payments thereto.

The resolution was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Concurrent Resolution No. 127 was placed on final passage.

Mr. Shinpoch spoke in favor of adopting the resolution.

POINT OF INQUIRY

Mr. Charette yielded to question by Mr. Newhouse.

Mr. Newhouse: "I'm concerned about whether statute is necessary. This is just a concurrent resolution. As Chairman of the Statute Law Committee, I wanted to ask you if this statement of legislative intent would give the authorization the State Treasurer would need to pay this or would it be statutory?"

Mr. Charette: "I believe what the Attorney General has said to the legislature is that one way of determining legislative intent is to have a concurrent resolution passed by the legislature stating what your intent is and this does that. It is my understanding that with this resolution his opinion would be that our intent had been established."

ROLL CALL

The Clerk called the roll on adoption of Senate Concurrent Resolution No. 127, and the resolution was adopted by the following vote: Yeas, 92; nays, 0; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Perry, Peterson, Polk, Randall, Schumaker, Seeberger, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Brown, Hanna, Hayner, Parker, Sawyer, Sherman.

Senate Concurrent Resolution No. 127, having received the constitutional majority, was declared adopted.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business.

THIRD READING

Mr. Pardini demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Brown, Gaspard, Hayner, Parker, Sawyer and Sherman.

MOTION

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

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.

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

MOTION

Mr. Kuehnle moved that the Rules Committee be relieved of HOUSE BILL NO. 1392, and that it be placed on the calendar for immediate consideration.

Representatives Kuehnle and Sommers spoke in favor of the motion, and Mr. Thompson spoke against it.

Mr. Hansey demanded an electric roll call and the demand was sustained.

Mr. Shinpoch spoke in favor of the motion, and Representatives Williams and Hurley (George) spoke against it.

POINT OF ORDER

Mr. Curtis: "There have been several points of order made recently concerning impugning members' motives, referring to unrational reasoning and mentioning individuals' names and I think Representative Hurley is being out of order."

The Speaker Pro Tem: "Continue, Representative Hurley."

Mr. Hurley continued his remarks in opposition to the motion.

Representatives Smith (Rick), Freeman and Wilson spoke in favor of the motion, and Representatives Moon and King spoke against it.

POINT OF ORDER

Mr. Polk: "Mr. Speaker, Representative King is wandering all over the place talking about salary surveys that have been done and it has absolutely nothing to do with House Bill No. 1405"

The Speaker Pro Tem: "There have been a lot of other comments that didn't have anything to do with it, too. The Speaker has been very liberal in his interpretation of this rule and so all the speakers have been talking about the main question. I don't know where you can draw the line."

Mr. King continued his remarks against the motion.

POINT OF ORDER

Mr. Shinpoch: "Representative King is making statements that are not borne out by the salary survey committee relative to fringe benefits. The salary survey committee found that it was the other way; they found the state employees were receiving 30% per dollar and the private employees 28%. That's contradictory to what Representative King just stated."

The Speaker Pro Tem: "I don't have the facts of the salary survey before me so I don't know whether Representative King is out of line or not. It's all a question of debate. Representative King, can you hold yourself to the facts?"

Mr. King continued his remarks.

POINT OF ORDER

Mr. Pardini: "Representative King is in gross violation of House Rule 52."

The Speaker Pro Tem: "Representative King, you are exceeding the time limits. Will you close your remarks?"

Mr. King closed his remarks in opposition to the motion.

Mr. Deccio spoke in favor of the motion.

Mrs. Valle demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion by Representative Kuehne to relieve the Rules Committee of House Bill No. 1392 and place it on the calendar for immediate consideration, and the motion was lost by the following vote: Yeas, 48; nays, 44; not voting, 6.

Voting yea: Representatives Amen, Barnes, Bauer, Becker, Berentson, Blair, Bond, Chandler, Charnley, Clemente, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Juelling, Kuehne, Leckenby, Lee, Matthews, McKibbin, Nelson, Newhouse, Osterman, Pardini, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Shinpoch, Smith R., Sommers, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bausch, Bender, Boldt, Ceccarelli, Charette, Cochrane, Conner, Ehlers, Erickson, Fischer, Fortson, Gaines, Gallagher, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, Moon, Moreau, Morgen, North, O'Brien, Perry, Smith E. P., Thompson, Williams, Wojahn.

Not voting: Representatives Brown, Gaspard, Hayner, Parker, Sawyer, Sherman.

The Speaker Pro Tem stated that in accordance with House Rule 44, the motion had failed.

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1405.

Representatives Blair, Sommers, Newhouse and Bausch spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1405, and the bill passed the House by the following vote: Yeas, 64; nays, 28; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eikenberry, Erickson, Fortson, Gallagher, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, May, McCormick, McKibbin, Moon, Moreau, Morgen, North, O'Brien, Osterman, Paris, Patterson, Perry, Randall, Seeberger, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Barnes, Bausch, Berentson, Blair, Bond, Chandler, Deccio, Dunlap, Eng, Fischer, Flanagan, Freeman, Gaines, Gilleland, Greengo, Haley, Hansey, Kuehnle, Matthews, Maxie, Nelson, Newhouse, Pardini, Peterson, Polk, Schumaker, Tilly, Whiteside.

Not voting: Representatives Brown, Gaspard, Hayner, Parker, Sawyer, Sherman.

Engrossed Substitute House Bill No. 1405, having received the 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 Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Adams, Bagnariol, Brown, Eikenberry, Gallagher, Hayner, Kalich, Martinis, Moreau, Parker and Sherman. Representatives Brown, Hayner and Sherman were excused.

MESSAGE FROM THE SENATE

March 6, 1976

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1342,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

Mr. Bender demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Adams, Bagnariol, Brown, Eikenberry, Freeman, Gallagher, Hayner, Kalich, Martinis, Moreau, Parker and Sherman.

MOTION

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

THIRD READING

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.

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

Representatives Douthwaite and Gaspard spoke in favor of passage of the bill, and Mr. Pardini spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1407, and the bill passed the House by the following vote: Yeas, 81; nays, 6; not voting, 11.

Voting yea: Representatives Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Bond, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Morgen, Newhouse, North, O'Brien, Osterman, Paris, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Blair, Dunlap, Eng, Matthews, Nelson, Pardini.

Not voting: Representatives Adams, Bagnariol, Brown, Eikenberry, Gallagher, Hayner, Kalich, Martinis, Moreau, Parker, Sherman.

Engrossed Substitute House Bill No. 1407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Eikenberry, Kalich and Moreau appeared at the bar of the House.

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.

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

Mr. Blair spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1605, and the bill passed the House by the following vote: Yeas, 68; nays, 22; not voting, 8.

Voting yea: Representatives Amen, Bauer, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Erickson, Fischer, Flanagan, Fortson, Gaines, Gaspard, Greengo, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, North, O'Brien, Osterman, Paris, Patterson, Perry, Randall, Sawyer, Seeberger, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Barnes, Bausch, Berentson, Blair, Bond, Chandler, Deccio, Dunlap, Eikenberry, Eng, Freeman, Gilleland, Haley, Hansey, Kuehnle, Matthews, Nelson, Newhouse, Pardini, Peterson, Polk, Schumaker.

Not voting: Representatives Adams, Bagnariol, Brown, Gallagher, Hayner, Martinis, Parker, Sherman.

Engrossed Substitute House Bill No. 1605, having received the 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 SENATE

March 6, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1311,
HOUSE BILL NO. 1340,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 6, 1976

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 51,
and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

Representatives Gallagher and Martinis appeared at the bar of the House.

MOTION

On motion of Mr. Thompson, the House reverted to the sixth order of business for the immediate consideration of HOUSE JOINT RESOLUTION NO. 28.

SECOND READING

HOUSE JOINT RESOLUTION NO. 28, by Representatives Savage, Conner, Brown and Lee:

Establishing annual sessions of 100 days maximum.

The resolution was read the second time.

On motion of Mr. Hawkins, Substitute House Joint Resolution No. 28 was substituted for House Joint Resolution No. 28, and the substitute resolution was placed on the second reading calendar.

Substitute House Joint Resolution No. 28 was read the second time.

Mr. Pardini moved adoption of the following amendment by Representatives Pardini, Hawkins and King:

On page 1, line 9 beginning with "Article" strike everything down to and including "separately." on page 3 and insert the following:

"Article II, section 12. (~~The first legislature shall meet on the first Wednesday after the first Monday in November, A.D., 1889. The second legislature shall meet on the first Wednesday after the first Monday in January, A.D., 1891, and sessions of the legislature shall be held biennially thereafter, unless specially convened by the governor, but the times of meeting of subsequent sessions may be changed by the legislature. After the first legislature the sessions shall not be more than sixty days.~~) (1) Regular Sessions. A regular session of the legislature shall be convened each year on such day and at such time as the legislature shall determine by statute. During each odd-numbered year, the regular session shall not be more than one hundred consecutive days. During each even-numbered year, the regular session shall not be more than sixty consecutive days.

(2) Special Legislative Sessions. Special legislative sessions may be convened for a period of not more than thirty consecutive days by proclamation of the governor pursuant to Article III, section 7 of this Constitution or may be convened for a period of not more than thirty consecutive days by resolution of the legislature upon the affirmative vote of two-thirds of all the members elected or appointed to each house of the legislature, which vote may be taken and resolution executed either while the legislature is in session or during any interim between sessions in accordance with such procedures as the legislature shall provide by concurrent resolution. Such resolution to convene such special session shall specify a purpose or purposes for the convening of a special session, and any special session convened by such resolution shall consider only measures germane to the purpose or purposes expressed therein, unless by resolution adopted during such session by a two-thirds vote of the members of each house an additional purpose or purposes be expressed. The specification of purpose by the governor pursuant to Article III, section 7 of this Constitution shall be considered by the legislature but shall not be mandatory.

The first regular session of the legislature to be held pursuant to this amendment shall commence on the second Monday of January in the year following the approval by the voters of this amendment.

(3) Committees of the Legislature. During any regular or special session of the legislature and during any interim between any such session, standing or special committees of the legislature shall meet and conduct official business pursuant to such rules as the legislature may adopt: PROVIDED, That any proposed action to recommend the passage of a bill or other measure shall be taken only at the state capital: PROVIDED FURTHER, That any such proposed action during any interim between sessions shall be taken only after five days public notice thereof.

Article II, section 20. Any bill may originate in either house of the legislature (~~and~~); measures introduced in either house during any session of the same legislature shall retain the status reached at the adjournment of a session, unless otherwise ordered by concurrent resolution of the legislature, and may become law at the next succeeding session of the same legislature without reintroduction at such next succeeding session and, in the case of a bill passed by one house, without returning to the house of origin. A bill passed by one house may be amended in the other.

Article II, section 41. (1) No act, law, or bill subject to referendum shall take effect until ninety days after (~~the adjournment of the session at which it was enacted~~) it has been signed by the governor: PROVIDED, That if the governor permits any such act, law, or bill to become effective without his signature, then such act, law, or bill shall not take effect until ninety days after the last day upon which he was entitled to act upon it pursuant to Article III, section 12 of this Constitution. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of

two years following such enactment: PROVIDED, That any such act, law, or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed by any general, regular, or special election by direct vote of the people thereon. These provisions supersede the provisions of subsection (c) of section 1 of this article as amended by the seventh amendment to the Constitution of this state.

(2) Referendum petitions against any measure passed by the legislature shall be filed with the secretary of state not later than ninety days after such measure has been signed by the governor: PROVIDED, That if the governor does not take action upon any such measure within the period of time during which he was entitled to act upon such measure pursuant to Article III, section 12 of this Constitution, then referendum petitions against such measure shall be filed not later than ninety days after the last day upon which the governor was entitled to act upon such measure pursuant to Article III, section 12 of this Constitution: PROVIDED FURTHER, That except when the legislature shall order a special election, each election on a measure referred to the people of the state shall be held at the next general election subsequent to sixty days following the date on which petitions are required to be filed pursuant to this section. The provisions of this subsection supersede the provisions of the second and fourth sentences of subsection (d) of section 1, Article II of this Constitution.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendments to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state and that the secretary of state shall cause the foregoing amendments to be submitted in such a manner that the people may vote for or against each amendment separately."

Representatives Pardini and King spoke in favor of the amendment.

Representative Parker appeared at the bar of the House.

POINT OF INQUIRY

Mr. King yielded to question by Mr. Patterson.

Mr. Patterson: "Your comment that the committees operating in the interim would be able to go into executive sessions basically and put before the Rules Committee legislation—does that apply also to a special committee as this reads? In other words, where you have a special select committee, and we have many, would they have the ability to draft legislation and put it into the Rules Committee without having a full hearing before the committee itself? It says, 'standing or special committees of the legislature shall be . . .'"

Mr. King: "I think the answer to that is yes, they would if the legislature decided to create a special committee for that kind of purpose and by our rules, which we would have to adopt. We would have the ability to do it, to give that special committee the power to go directly from the committee to Rules. We've had special committees in the past and we haven't chosen to go that route. I believe in most instances those special committee reports have been worked up in special committee and then referred through one of our standing committees. Right now we wouldn't have to go that way; by rule we could go directly from a special committee to Rules. There is nothing in here that would be more permissive for the interim operations in that area."

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Patterson.

Mr. Patterson: "Could you respond to my concern on this?"

Mr. Pardini: "I believe that under this interpretation a special standing committee, set up in accordance with rules adopted by the legislature, could draft legislation in that committee if it had the authority of the legislature, and could pass legislation to the Rules Committee. For instance, during the past session the Select Committee on Energy could—if the legislature so adopted rules and gave them that authority—could bypass the Transportation Committee. I would point out to you that there is nothing in the Constitution that says the fifteen committees that we have are something magic, that they are the only things. This body at any time could reduce them to five committees, to three committees or expand them to twenty-five. This legislature adopts its own rules for the establishment of committees and by its own rules establishes the rules of conduct for them."

Mr. Patterson: "Pursuing it just one step further, is it your interpretation that a committee such as the Legislative Transportation Committee, which is statutory, would have that same ability?"

Mr. Pardini: "In my opinion, if the legislature, this body, even though the Legislative Transportation Committee is statutory, were willing to accept recommendations directly from the Legislative Transportation Committee, yes. But not unless this body, by its rules or by its joint rules, would specify that the Legislative Transportation Committee would be recognized as a committee."

Mr. Shinpoch moved adoption of the following amendment to the Pardini/Hawkins/King amendment:

On page 1, subsection (3), line 19 after "standing" strike "or special"

Representatives Shinpoch, Newhouse and Pardini spoke in favor of the amendment to the amendment.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Douthwaite.

Mr. Douthwaite: "Is it your intention that the subcommittees of standing committees can meet and work in the interim if the word 'special' is stricken here?"

Mr. Shinpoch: "I don't think the subcommittees of standing committees would be considered a special committee. I consider they are just what you said, a subcommittee of a standing committee, and as such I think most standing committees would want to have action on the subcommittee work prior to the time it came out."

The amendment to the amendment was adopted.

The Speaker Pro Tem stated the question before the House to be the amendment as amended.

POINT OF INQUIRY

Mr. King yielded to question by Mr. Amen.

Mr. Amen: "You made the comment that you had an amendment that you thought would be put on in the Senate. Would you be willing to tell us what that amendment is?"

Mr. King: "I thought it was a concept that would be included in this one. When we convened this session of the legislature there were a number of bills which had passed the Senate before and had not passed the House and visa versa. The Senate, by resolution, passed us all the bills at once that they wanted. Their resolution is subject to division, and they are able to do very quickly something that has taken us quite a bit of time, and that's voting on each individual bill over again. My proposed amendment, and it will take some time to put the language together, would make it clear that the action of the Senate was constitutional and that we could do the same thing in the House if we chose to do so."

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Eikenberry.

Mr. Eikenberry: "On page 1 of the amendment, subsection (2) a sentence begins, 'The specification of purpose by the governor pursuant to Article III, section 7 of this Constitution shall be considered by the legislature but shall not be mandatory.' May I ask if we could, on record, have an expression of what is intended by that sentence?"

Mr. Pardini: "The intent, Representative Eikenberry, is to comply with Article III, section 7 of the Constitution, which says that the Governor, in calling a special session, shall state a reason for calling that session. That is the first reason for that. The second is that we would like the Governor to specify, if he called a special session, the material which he would like the legislature to consider. In my opinion, and for the record, this would not limit the legislature to consider only that particular material, they could expand that if they so desired, and if the legislature, in its wisdom desired, they could ignore and not necessarily be forced to pass legislation as specified in the call by the Governor."

Representatives Bagnariol and Brown appeared at the bar of the House.

The amendment as amended was adopted.

Substitute House Joint Resolution No. 28 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Substitute House Joint Resolution No. 28 was placed on final passage.

Representatives Pardini, Curtis, Barnes, Peterson, Polk and Lee spoke in favor of the resolution, and Representatives Sawyer, Shipoch, Moon, Sommers, May, Perry and Bagnariol spoke against it.

Mr. Knowles demanded the previous question and the demand was sustained.

Mr. Pardini closed debate, speaking in favor of the resolution.

ROLL CALL

The Clerk called the roll on adoption of Engrossed Substitute House Joint Resolution No. 28, and the resolution failed to receive the two-thirds constitutional majority by the following vote: Yeas, 45; nays, 50; not voting, 3.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Charnley, Conner, Curtis, Deccio, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hendricks, Jueling, King, Knowles, Kuehnle, Leckenby, Lee, Lux, Matthews, Nelson, Newhouse, Osterman, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Seeberger, Smith R., Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Charette, Clemente, Cochrane, Douthwaite, Ehlers, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, Laughlin, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, North, O'Brien, Parker, Perry, Randall, Sawyer, Shipoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Adams, Hayner, Sherman.

Engrossed Substitute House Joint Resolution No. 28, having failed to receive the constitutional two-thirds majority, was declared lost.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business for the purpose of immediate consideration of Engrossed House Bill No. 1343.

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

Representatives Thompson, Schumaker, Shipoch, Moon and Smith (Rick) spoke in favor of the bill, and Representatives Kalich and Paris spoke against it.

Mr. Bender demanded an oral roll call and the demand was sustained.

Mr. Sawyer spoke in favor of passage of the bill, and Representatives Zimmerman and Kuehnle spoke against it.

Mr. Hurley (George) demanded the previous question.

POINT OF ORDER

Mr. Newhouse: "I think the agreement was that we would not limit debate on this issue. I am as tired of the rhetoric as anyone else, but I want everybody who feels they have to talk on the issue to get up and talk."

Mr. Hurley withdrew his demand.

Representatives Perry, Hurley (George) and Valle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1343, and the bill passed the House by the following vote: Yeas, 53; nays, 42; not voting, 3.

Voting yea: Representatives Bagnariol, Bauer, Bausch, Bender, Blair, Boldt, Brown, Ceccarelli, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Gaines, Gallagher, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Newhouse, O'Brien, Perry, Randall, Sawyer, Schumaker, Seeberger, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Amen, Barnes, Becker, Berentson, Bond, Chandler, Charette, Curtis, Deccio, Dunlap, Eikenberry, Fortson, Freeman, Gaspard, Gilleland, Greengo, Haley, Hansey, Hendricks,

Jastad, Juelling, Kalich, Kuehnle, Leckenby, Lee, Matthews, McCormick, Moreau, Morgen, Nelson, North, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Adams, Hayner, Sherman.

Engrossed House Bill No. 1343, having received the 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 SPEAKER

The Speaker Pro Tem announced that he was signing:

HOUSE BILL NO. 1342,
HOUSE CONCURRENT RESOLUTION NO. 51.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, Engrossed House Bill No. 1343 was ordered transmitted immediately to the Senate.

On motion of Mr. Thompson, the House adjourned until 11:00 a.m., Monday, March 8, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SIXTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, March 8, 1976.

The House was called to order at 11:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Eng, Hayner, Kuehnle, Laughlin, Lee, Paris, Parker, Seeberger and Sherman, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Julie Valentine and Loni Kidd. Prayer was offered by the Reverend Richard Hart of the First Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE GOVERNOR

March 5, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Getlemen:

I have the honor to advise that on March 5, 1976, Governor Evans approved the following House Bills, entitled:

SUBSTITUTE HOUSE BILL NO. 771, Making changes in the liquor laws relating to agents' licenses.

HOUSE BILL NO. 840: Relating to revenue and taxation.

HOUSE BILL NO. 1255: Prescribing increases in disability, death and survivors' benefits for volunteer firemen.

HOUSE BILL NO. 1376: Relieving employees of municipal corporations from having to give bond before receiving duplicate for lost or destroyed pay warrant.

Sincerely,
CHI-DOOH LI, Legal Counsel.

March 6, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise that on March 6, 1976, Governor Evans approved the following House Bills, entitled:

HOUSE BILL NO. 1266: Increasing the number the Lewis county superior court judges to two.

HOUSE BILL NO. 1404: Allowing proceeds from sale of school district real property to be used for acquisition of improved or unimproved real property.

Sincerely,
CHI-DOOH LI, Legal Counsel.

MESSAGES FROM THE SENATE

March 6, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 2537,
SENATE BILL NO. 3278,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 6, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on REENGROSSED SENATE BILL NO. 3038, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

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 we recommend that Reengrossed Senate Bill No. 3038 be passed with the following amendments:

On page 1, beginning on line 11 strike all the matter down to and including "amended." on line 30 and insert:

"(1) It shall be unlawful to wilfully 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 grievances: 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, Rasmussen; Representatives Gaspard, Brown, Boldt.

MOTION

On motion of Mr. Gaspard, the report of the Free Conference Committee was adopted.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Reengrossed Senate Bill No. 3038 as amended by the Free Conference Committee.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 88; nays, 0; not voting, 10.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hansen, Hansey, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Leckenby, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson,

Newhouse, North, O'Brien, Osterman, Pardini, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Eng, Haley, Hanna, Hayner, Kuehnle, Laughlin, Lee, Paris, Parker, Sherman.

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.

STATEMENT FOR THE JOURNAL

Please record me in the Journal as a Yes vote on Reengrossed Senate Bill No. 3038. I was here, but temporarily off the floor at the time the vote was taken.

RON HANNA, 26th District.

MESSAGE FROM THE SENATE

March 6, 1976

Mr. Speaker:

The Senate 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, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1345, as amended by the Senate, providing for a priority program of education, have had the same under consideration and we recommend that the Senate amendments not be adopted and the following amendments be adopted in lieu thereof:

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 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 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' skill 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, if applicable, 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, Stortini; Representatives Bauer, Bender, Dunlap.

MOTION

Mr. Bauer moved that the House adopt the report of the Free Conference Committee.

Representatives Bauer and Dunlap spoke in favor of the motion.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mrs. Hurley (Margaret).

Mrs. Hurley (Margaret): "Representative Bauer, it seems to me that the conference report is exactly the way it came out of the Senate. What did the House get on this side? We were pretty much interested in more testing. What did we get in this compromise?"

Mr. Bauer: "The Senate version was sampling testing of grades 4, 8 and 11 of two thousand students. There are about 60,000 students in the state of Washington in each grade level. They were going to sample two thousand of that 60,000 per grade for grades 4, 8 and 11. Our version was testing all children in grades 2, 4, 8 and 11. In the conference report version now we have that the second grade children will be tested—or encouraged to be tested—all second graders, all fourth graders tested by a standard test provided by the Superintendent of Public Instruction and conducted by the Superintendent of Public Instruction and the local school district, and sampling of grades 8 and 11. So really I guess what we got back is encouraging of testing of second graders and mandating the testing of all fourth graders. We got that much out of it."

Mrs. Hurley (Margaret) spoke against the motion to adopt the report.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Amen.

Mr. Amen: "In testing the fourth graders, it says that the results of the tests shall be compiled by the Superintendent of Public Instruction who shall furnish those results annually to the legislature and to all local school districts and to the parents of those children. Does this mean that the result of each individual child will be made available to the parents of that child, or does that mean the overall results will be made available to the parents? It seems to me that if you have to make results available for each child, it would be quite a task for the SPI. What does this mean?"

Mr. Bauer: "The results come to the school district. In most instances the parent will have a conference with the teacher and that teacher will interpret those test results for that child to that parent, so it makes it available on an individual basis on how well that student is doing compared to other members of his class, compared to the entire school district, compared to state norm and compared to a national norm."

POINT OF INQUIRY

Mr. Dunlap yielded to question by Mr. Patterson.

Mr. Patterson: "It has been suggested that in the second grade you are going to encourage statewide testing. Who are we encouraging to do it? Is it the SPI's office or is it the local school district, and if it is the local school district, for example, would they be testing on a statewide test so that you could make comparisons? I'm wondering who is going to be encouraging and who will actually conduct the test? I assume the thrust is that you want to have second grade testing statewide."

Mr. Dunlap: "The second grade test will not be a uniform test; it will be done at the local level, used for local purposes, the primary aim of these tests being to detect as early as possible a learning disability so remediation and extra help can be applied in the second grade. There's no attempt here though to conglomerate the tests from around the state or to

draw any kind of conclusions statewide. They are local tests for local purposes to determine a learning problem."

Mr. Patterson: "Are there any state tests now available that would be made available to the local school districts so that they would have some idea that all second graders were being tested basically to find these disabilities on the same kind of a test? I think you have to establish some kind of a good test in order to determine whether it be local or statewide. Do you know of any tests that would be available that would determine disabilities at the second grade level that could be utilized by a local school district?"

Mr. Dunlap: "Yes, there are such tests available and they are now being used in the first and second grades. What we are really doing is offering a word of encouragement here to school districts to make certain that all students are subjected to these tests."

Representatives Fortson and Barnes spoke in favor of the motion, and Mr. Gaspard spoke against it.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Ehlers.

Mr. Ehlers: "As you know I was one of the sponsors of this bill and I believe in testing all students in those grade levels, but Representative Gaspard seemed to indicate that there would be no way of monitoring those tests in grades 8, 11, etc. My understanding is that those tests that are used for random sampling could also be purchased by the various school districts to test all of the students in each and every school district if they so elect. Is that the case?"

Mr. Bauer: "That is correct."

Mr. Ehlers: "So, in fact, a school district could monitor the result the same as results they took in grade four and give the standardized test in grades 8 and 11?"

Mr. Bauer: "That is correct, if they elect to do so."

Mr. Newhouse demanded the previous question and the demand was sustained.

The motion to adopt the report of the Free Conference Committee was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1345 as amended by the Free Conference Committee.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 84; nays, 2; not voting, 12.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansey, Haussler, Hawkins, Hendricks, Hurley M., Jastad, Juelling, Kalich, King, Knowles, Leckenby, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Hurley G. S., Lux.

Not voting: Representatives Eng, Fischer, Hansen, Hayner, Kilbury, Kuehnle, Laughlin, Lee, Paris, Parker, Seeberger, Sherman.

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.

POINT OF PERSONAL PRIVILEGE

Mr. Hurley (George): "I thought what I had to say was important. I don't think it would have changed the vote, but this is an extremely important question. When I called for the previous question the other day, you allowed the debate to go on. I was in order, I was the

first one up and you didn't recognize me so I just hope that this doesn't happen again on as important an issue as the school issue."

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 56, by Representative Tilly:

Rules be suspended for consideration of Engrossed Senate Bill No. 2135.

To Committee on Rules

HOUSE CONCURRENT RESOLUTION NO. 57, by Representatives Martinis, Bagnariol and Polk:

Creating a Select Joint Committee on Fisheries.

To Committee on Rules

ENGROSSED SENATE BILL NO. 2537, By Senator Walgren:

Relating to motor vehicles.

MOTION

On motion of Mr. Thompson, the rules were suspended and Engrossed Senate Bill No. 2537 was advanced to second reading and read the second time in full.

SENATE BILL NO. 3278, By Senator Donohue (by Department of Social and Health Services request):

Authorizing general assistance for categories of unemployed, employable persons.

To Committee on Social and Health Services

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "The printed agenda shows Senate Bill No. 3278, the last bill on which we acted, as being referred to the Committee on Ways and Means - Appropriations. Is that where it went?"

The Speaker Pro Tem: "Apparently there was a change of opinion on what committee should handle it. It has been referred to the Committee on Social and Health Services."

POINT OF INQUIRY

Mr. Adams yielded to question by Mr. Newhouse.

Mr. Newhouse: "The House has just referred to your committee, Senate Bill No. 3278. If you are unaware of the subject matter, it gives the department the statutory authorization to eliminate from welfare payments, during a season when they could attain work, the person from age 18 to 50 as previously was done. Can your committee properly handle this in a short period of time so that we may see this bill before us?"

Mr. Adams: "We have a hearing planned for 4 o'clock tomorrow afternoon or immediately after adjournment to look at this bill and I'm sure we can handle it."

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Boldt, Eng, Kuehnle, Laughlin, Martinis and Parker. Representatives Eng, Laughlin and Parker were excused.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President has signed:

March 8, 1976

HOUSE BILL NO. 1342,
HOUSE CONCURRENT RESOLUTION NO. 51,
SENATE CONCURRENT RESOLUTION NO. 127,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 127.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1976

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1612 with the following amendments:

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. and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mrs. Valle, the House concurred in the Senate amendments to Substitute House Bill No. 1612.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Substitute House Bill No. 1612 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1612 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; nays, 1; not voting, 15.

Voting yea: Representatives Amen, Bagnariol, Becker, Bender, Berentson, Blair, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Matthews, Maxie, May, McCormick, McKibbin, Moon, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wojahn, Zimmerman.

Voting nay: Representative Wilson.

Not voting: Representatives Adams, Barnes, Bauer, Bausch, Boldt, Bond, Eng, Gaines, Hansey, Kuehne, Leckenby, Lysen, Martinis, Moreau, Warnke.

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.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1314' with the following amendments:

In line 1 of the title after the semicolon insert "amending section 2, chapter 268, Laws of 1971 ex. sess. and RCW 28A.04.132;"

On line 3 of the title after "RCW 28A.58.101" insert "and adding a new section to chapter 28A.58 RCW"

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 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 11 after "teachers" insert "and principals"

On page 2, line 12 after "to" strike all matter down through "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 48A.04.132."

On page 2, strike all of section 3

On page 2, after section 2 insert:

"**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 determine that appropriate student discipline is established and enforced."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Bauer, the House concurred in the Senate amendments to Engrossed House Bill No. 1314.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Bill No. 1314 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1314 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; nays, 0; not voting, 10.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Becker, Bender, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Bausch, Boldt, Eng, Kuehnl, Martinis, Moreau, Shinpoch, Warnke, Williams.

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.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Tuesday, March 9, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SIXTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, March 9, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Eikenberry, Haley, Hendricks, Kuehne, Martinis, Smith (Rick) and Wilson. Representatives Eikenberry, Haley, Hendricks, Martinis, Smith (Rick) and Wilson were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Beth Moran and Kim Snively. Prayer was offered by the Reverend Richard Hart of the First Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

March 8, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3246,
and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

HOUSE BILL NO. 1314,
SUBSTITUTE HOUSE BILL NO. 1345,
SUBSTITUTE HOUSE BILL NO. 1612.

INTRODUCTION AND FIRST READING

ENGROSSED 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.

MOTION

On motion of Mr. Thompson, the rules were suspended and Engrossed Substitute Senate Bill No. 3246 was advanced to second reading and read the second time in full.

SECOND READING

ENGROSSED SENATE BILL NO. 2537, by Senator Walgren:

Relating to motor vehicles.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 2537 was placed on final passage.

Mr. Whiteside spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 2537, and the bill passed the House by the following vote: Yeas, 88; nays, 0; not voting, 10.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Hausstler, Hawkins, Hayner,

Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Sawyer, Schumaker, Seeberger, Sherman, Shipnosh, Smith E. P., Sommers, Thompson, Tilly, Warnke, Whiteside, Williams, Wojahn, Zimmerman.

Not voting: Representatives Eikenberry, Haley, Hendricks, Kuehnle, Lee, Martinis, Randall, Smith R., Valle, Wilson.

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 Mr. Thompson, the House advanced to the seventh order of business for the purpose of considering ENGROSSED HOUSE BILL NO. 1392.

THIRD READING

ENGROSSED HOUSE BILL NO. 1392, by Representatives Newhouse, Freeman, Hansey, Flanagan, Curtis, Matthews, Hayner, Patterson, Gilleland, Pardini and Greengo:

Establishing a new retirement system for certain public employees.

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

Mr. Thompson demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Eikenberry, Haley, Hendricks, Kuehnle, Martinis, Smith (Rick) and Wilson.

MOTION

On motion of Mr. Pardini, the absent members were excused, and the House proceeded with business under the Call of the House.

MOTIONS

On motion of Mr. Thompson, further consideration of Engrossed House Bill No. 1392 was deferred, and the bill was made a special order of business for 2:30 p.m. today.

Mr. Pardini moved that House Concurrent Resolution No. 54 be made a special order of business immediately following consideration of Engrossed House Bill No. 1392.

ROLL CALL

The Clerk called the roll on the motion to make House Concurrent Resolution No. 54 a special order of business immediately following consideration of Engrossed House Bill No. 1392, and the motion carried by the following vote: Yeas, 60; nays, 31; not voting, 7.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Curtis, Deccio, Dunlap, Eng, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Hanna, Hansen, Hansey, Hayner, Hurley G. S.; Hurley M., Jueling, Kalich, Knowles, Laughlin, Leckenby, Lee, Lysen, Matthews, McCormick, Moreau, Morgen, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Tilly, Warnke, Whiteside, Wojahn, Zimmerman.

Voting nay: Representatives Becker, Bender, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Gaspard, Haussler, Hawkins, Jastad, Kilbury, King, Lux, Maxie, May, McKibbin, Moon, O'Brien, Osterman, Perry, Seeberger, Sherman, Shipnosh, Smith E. P., Sommers, Thompson, Valle, Williams.

Not voting: Representatives Eikenberry, Haley, Hendricks, Kuehnle, Martinis, Smith R., Wilson.

Mr. Eikenberry appeared at the bar of the House.

MOTION

Mr. Newhouse moved that the House immediately consider House Concurrent Resolution No. 53 on third reading.

Mr. Newhouse spoke in favor of the motion, and Mr. Thompson spoke against it.

Mr. Hansey demanded an electric roll call, and the demand was sustained.

Representatives Hayner and Pardini spoke in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion by Representative Newhouse that the House immediately consider House Concurrent Resolution No. 53 on third reading, and the motion was carried by the following vote: Yeas, 56; nays, 36; not voting, 6.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bausch, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Hansen, Hansey, Hayner, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Laughlin, Leckenby, Lee, Matthews, May, McCormick, Moreau, Morgen, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Tilly, Warnke, Whiteside, Wojahn, Zimmerman.

Voting nay: Representatives Bauer, Becker, Bender, Boldt, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Eng, Gaspard, Hanna, Haussler, Hawkins, Kilbury, King, Knowles, Lux, Lysen, Maxie, McKibbin, Moon, O'Brien, Osterman, Perry, Randall, Sawyer, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Williams.

Not voting: Representatives Haley, Hendricks, Kuehne, Martinis, Smith R., Wilson.

Representative Haley appeared at the bar of the House.

HOUSE CONCURRENT RESOLUTION NO. 53, by Representative Newhouse:

Suspends legislative consideration cut-off dates for Engrossed House Bill No. 1497.

The resolution was read the third time.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

The Speaker Pro Tem declared the question before the House to be adoption of House Concurrent Resolution No. 53.

ROLL CALL

The Clerk called the roll on the adoption of House Concurrent Resolution No. 53, and the resolution was adopted by the following vote: Yeas, 83; nays, 10; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hayner, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lysen, Matthews, Maxie, May, McCormick, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Bender, Boldt, Clemente, Cochrane, Eng, Hawkins, Lux, McKibbin, Moon, Seeberger.

Not voting: Representatives Hendricks, Kuehne, Martinis, Smith R., Wilson.

House Concurrent Resolution No. 53, having received the constitutional majority, was declared adopted.

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 third time and placed on final passage.

Representatives Ceccarelli and Hayner spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Ceccarelli yielded to question by Mr. Newhouse.

Mr. Newhouse: "In your remarks you mentioned that the Guaranty Association would take care of the funding but that companies could get it back from premiums tax. I understand that unless House Bill No. 1544 passes the Senate that is not true. That is the bill which provides that the insurance companies could get back the guaranty funds. Am I right?"

Mr. Ceccarelli: "I'm tongue in cheek, Representative Newhouse, because I'm not sure. I think it is covered in this bill and I think the guaranty that you are talking about in House Bill No. 1544 that passed the House a week ago related to the assessment that they charge each other in order to run the guaranty fund. Right now the guaranty fund is kind of an out of the pocket thing with each company, and House Bill No. 1544, as I understand it, spelled out that they would be assessed against their premium tax in order to operate the guaranty

fund. This bill really deals with the unearned premiums that have been paid by the insured and it allows the guaranty fund to pay for that as they do now pay for earned premiums."

Mr. Moon spoke against passage of the bill.

POINT OF INQUIRY

Mr. Ceccarelli yielded to question by Mr. Boldt.

Mr. Boldt: "On page 2 we find in this bill the priority for distribution in liquidation proceedings, with the claims arising from the people who are covered by the insurance, not first, not second, not third, but fourth. If there is a priority now, what priority do the consumers of the state receive from distribution in the case of liquidation as it is now? Of course, this bill makes them fourth."

Mr. Ceccarelli: "This is written no different from any of your bankruptcy laws where you have first of all to take care of the association that distributes the fund. The point is, you have to first of all fund the guaranty association in order to give the money to the consumer and so as you read down, as you do in any bankruptcy case, the attorney fees, court costs, primary contracts are paid for first. I don't think that's an argument in this case. Although the payoff does have the consumer down toward the bottom, it's no different from any of our bankruptcy laws where certain other costs are taken out first so that the consumer can be paid."

Mr. Boldt: "This bill is going to make it better for the consumer?"

Mr. Ceccarelli: "It will make it better for the consumer because the bill actually addresses itself to unearned premiums and presently they are paying for earned premiums, but we're addressing ourselves to unearned premiums. In other words, if you have just taken out a premium in a company and find out the company has gone broke and you have no insurance, you don't get your money back; this way you will at least get your money back. As Representative Hayner spoke to, the amendments that were added to the bill actually strengthen it, because on pages 7 and 8 in section 7 it requires notification by the commissioner to the association when an insurer is in financial difficulty and requires the commission to take action within fifteen days from receiving information that they are in financial difficulty. If the commission fails to act it authorizes the association to get and take appropriate action so, as she spoke to it, and I agree, the amendments actually strengthen the bill."

Representatives Charette and Kilbury spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1497, and the bill passed the House by the following vote: Yeas, 91; nays, 2; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wojahn, Zimmerman.

Voting nay: Representatives McKibbin, Moon.

Not voting: Representatives Hendricks, Kuehnle, Martinis, Smith R., Wilson.

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.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

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 third time and placed on final passage.

MOTION

Mr. Bauer moved that Senate Bill No. 3044 be rereferred to Committee on Education.

Mr. Bauer spoke in favor of the motion, and Mr. Curtis spoke against it.

MOTION

Mr. Nelson moved that the motion by Mr. Bauer be amended and the bill be rereferred to Committee on Higher Education.

Mr. Nelson spoke in favor of the motion to amend the Bauer motion, and Representatives Newhouse and Hurley (Margaret) spoke against it.

POINT OF ORDER

Mr. Williams: "The amendment we have before us is to amend the motion to refer this to Higher Education instead of to the Committee on Education. I'd suggest that the discussion going on has no reference to that motion."

The Speaker Pro Tem: "Representative Hurley, the question before us now is that the Committee on Higher Education have this bill instead of the Education Committee. It is difficult to stay within this motion in the realm of your arguments, but it would appear that you have this amendment and perhaps you should adhere as closely as you can to the wisdom of it."

Mrs. Hurley (Margaret) continued her remarks in opposition to the motion, and Mr. Douthwaite also spoke against it.

The motion to amend the Bauer motion was lost.

The Speaker Pro Tem stated the question before the House to be the motion by Mr. Bauer to rerefer Senate Bill No. 3044 to the Committee on Education.

Mr. Polk spoke against the motion, and Mr. Randall spoke in favor of it.

POINT OF ORDER

Mr. Polk: "Mr. Speaker, Representative Randall is impugning the other body, the Senate, saying that they didn't hold a hearing. Our House rules say we are not to impugn the other body across the rotunda."

The Speaker Pro Tem: "Continue, Representative Randall."

Mr. Randall continued his remarks in favor of the motion.

Mr. Pardini demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to rerefer Senate Bill No. 3044 to Committee on Education, and the motion was carried by the following vote: Yeas, 59; nays, 32; not voting, 7.

Voting yea: Representatives Adams, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Maxie, McCormick, McKibbin, Moon, Moreau, O'Brien, Osterman, Paris, Parker, Perry, Peterson, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Hurley M., Jastad, Juelling, Leckenby, Matthews, May, Morgen, Nelson, Newhouse, North, Pardini, Patterson, Polk, Schumaker, Tilly, Whiteside.

Not voting: Representatives Bagnariol, Hayner, Hendricks, Kuehnle, Martinis, Smith R., Wilson.

MOTION FOR RECONSIDERATION

Mr. Curtis, having voted on the prevailing side, moved that the House now reconsider the vote by which Senate Bill No. 3044 was rereferred to Committee on Education.

The motion was lost.

MESSAGES FROM THE SENATE

March 9, 1976

Mr. Speaker:

The Senate 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.

Sidney R. Snyder, Secretary.

March 9, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1314,
SUBSTITUTE HOUSE BILL NO. 1345,
SUBSTITUTE HOUSE BILL NO. 1612,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Thompson, the House recessed until 2:00 p.m.

 AFTERNOON SESSION

The House was called to order at 2:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bagnariol, Martinis and Perry, who were excused.

Mr. Thompson demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Bagnariol, Martinis and Perry.

MOTIONS

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

On motion of Mr. Thompson, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1300 was referred to Committee on Ways and Means - Revenue.

SPECIAL ORDER OF BUSINESS

The hour of 2:30 p.m. having arrived, the Speaker Pro Tem stated the question before the House to be the special order of business, Engrossed House Bill No. 1392 on third reading.

ENGROSSED HOUSE BILL NO. 1392, by Representatives Newhouse, Freeman, Hansey, Flanagan, Curtis, Matthews, Hayner, Patterson, Gilleland, Pardini and Greengo:

Establishing a new retirement system for certain public employees.

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

MOTION

On motion of Mr. Charette, the Rules Committee was relieved of HOUSE BILL NO. 611, and it was placed on the third reading calendar.

Ms. Sommers spoke in favor of passage of Engrossed House Bill No. 1392.

Mr. Charnley demanded an oral roll call and the demand was sustained.

Mr. Blair spoke in favor of the bill and Mr. Hurley (George) spoke against it.

MOTION

On motion of Mr. Thompson, all bills passed today were ordered transmitted immediately to the Senate.

Representatives Newhouse, Kuehnle, Shinpoch, Freeman, Berentson, Leckenby and Smith (Rick) spoke in favor of passage of Engrossed House Bill No. 1392, and Representatives Charette, Conner, Pardini, Parker and King spoke against it.

Mr. Newhouse demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1392, and the bill failed to pass the House by the following vote: Yeas, 49; nays, 46; not voting, 3.

Voting yea: Representatives Amen, Barnes, Bauer, Becker, Berentson, Blair, Bond, Chandler, Charnley, Clemente, Curtis, Deccio, Douthwaite, Dunlap, Eng, Erickson, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Haussler, Hayner, Juelling, Kilbury, Kuehnle, Leckenby, Lee, Matthews, McKibbin, Nelson, Newhouse, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Shinpoch, Smith R., Sommers, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bausch, Bender, Boldt, Brown, Ceccarelli, Charette, Cochrane, Conner, Ehlers, Eikenberry, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, Moon, Moreau, Morgen, North, O'Brien, Osterman, Pardini, Parker, Sawyer, Sherman, Smith E. P., Thompson, Williams, Wojahn.

Not voting: Representatives Bagnariol, Martinis, Perry.

Engrossed House Bill No. 1392, having failed to receive the constitutional majority, was declared lost.

MOTIONS

On motion of Mr. Thompson, Representative Ceccarelli was excused from the Call of the House.

On motion of Mr. Curtis, Representative Hendricks was excused from the Call of the House.

MOTION FOR RECONSIDERATION

Mr. Eikenberry, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed House Bill No. 1392 failed to pass the House.

ROLL CALL

The Clerk called the roll on the motion by Representative Eikenberry that the House immediately reconsider the vote by which Engrossed House Bill No. 1392 failed to pass the House, and the motion was carried by the following vote: Yeas, 49; nays, 44; not voting, 5.

Voting yea: Representatives Amen, Barnes, Bauer, Becker, Berentson, Blair, Bond, Chandler, Charnley, Clemente, Curtis, Deccio, Douthwaite, Dunlap, Eng, Erickson, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Haussler, Hayner, Juelling, Kalich, Kuehnle, Leckenby, Lee, Matthews, McKibbin, Nelson, Newhouse, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Shinpoch, Smith R., Sommers, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bausch, Bender, Boldt, Brown, Charette, Cochrane, Conner, Ehlers, Eikenberry, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, Moon, Moreau, Morgen, North, O'Brien, Osterman, Pardini, Parker, Sawyer, Sherman, Smith E. P., Thompson, Williams, Wojahn.

Not voting: Representatives Bagnariol, Ceccarelli, Hendricks, Martinis, Perry.

The Speaker Pro Tem stated that the motion having carried, the question before the House to be final passage of Engrossed House Bill No. 1392.

Mr. Bender demanded an oral roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1392, and the bill failed to pass the House by the following vote: Yeas, 49; nays, 44; not voting, 5.

Voting yea: Representatives Amen, Barnes, Bauer, Becker, Berentson, Blair, Bond, Chandler, Charnley, Clemente, Curtis, Deccio, Douthwaite, Dunlap, Eng, Erickson, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Haussler, Hayner, Juelling, Kilbury, Kuehnle, Leckenby, Lee, Matthews, McKibbin, Nelson, Newhouse, Paris, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Shinpoch, Smith R., Sommers, Tilly, Valle, Warnke, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bausch, Bender, Boldt, Brown, Charette, Cochrane, Conner, Ehlers, Eikenberry, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McCormick, Moon, Moreau, Morgen, North, O'Brien, Osterman, Pardini, Parker, Sawyer, Sherman, Smith E. P., Thompson, Williams, Wojahn.

Not voting: Representatives Bagnariol, Ceccarelli, Hendricks, Martinis, Perry.

Engrossed House Bill No. 1392, having failed to receive the constitutional majority, was declared lost.

SPECIAL ORDER OF BUSINESS

HOUSE CONCURRENT RESOLUTION NO. 54, by Representatives Pardini, Moreau and Berentson:

Suspension of Rules for Substitute Senate Bill No. 3097.

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

POINT OF ORDER

Ms. Becker: "I've been unable to locate either House Concurrent Resolution No. 54 or Substitute Senate Bill No. 3097 in my billbook. Is it possible to have these distributed before we debate this matter?"

The Speaker Pro Tem: "The Clerk will read House Concurrent Resolution No. 54 in full. We've handled other types of resolutions like this without the resolution being placed in the billbooks. This is a motion that was made to make it a special order of business earlier today and we will have this resolution read. If you want further information on it you can let us know."

The Clerk read House Concurrent Resolution No. 54 in full.

Ms. Becker spoke against adopting the resolution.

MOTION

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

Mr. Pardini spoke in favor of adoption of the resolution.

MOTION

Mr. Charette moved that the House adjourn until 10:00 a.m., Wednesday, March 10, 1976.

Mr. Pardini demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion that the House adjourn until 10:00 a.m. tomorrow, and the motion was lost by the following vote: Yeas, 34; nays, 59; not voting, 5.

Voting yea: Representatives Bauer, Becker, Bender, Charette, Charnley, Clemente, Conner, Douthwaite, Ehlers, Erickson, Gallagher, Gaspard, Haley, Haussler, Hawkins, Jastad, Kilbury, King, Knowles, Lysen, Maxie, May, McKibbin, Moon, North, O'Brien, Osterman, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle.

Voting nay: Representatives Adams, Amen, Barnes, Bausch, Berentson, Blair, Boldt, Bond, Brown, Chandler, Cochrane, Curtis, Deccio, Dunlap, Eikenberry, Eng, Fischer, Flanagan, Fortson, Freeman, Gaines, Gilleland, Greengo, Hanna, Hansen, Hansey, Hayner, Hurley G. S., Hurley M., Jueling, Kalich, Kuehne, Laughlin, Leckenby, Lee, Lux, Matthews, McCormick, Moreau, Morgen, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Smith R., Tilly, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Ceccarelli, Hendricks, Martinis, Perry.

POINT OF INQUIRY

Mr. Pardini yielded to question by Ms. Becker.

Ms. Becker: "I believe you stated the purpose of Senate Bill No. 3097 was to allow for where environmental impact statements are necessary, to have them include an economic impact statement. Could you please tell me which section of the bill that particular provision is in?"

Mr. Pardini: "It's in section 2, Representative Becker."

Ms. Becker spoke against adoption of the resolution.

POINT OF ORDER

Mr. Pardini: "Ms. Becker has already spoken on the subject. The rules provide for one speech after the 50th day."

The Speaker Pro Tem: "Your point is well taken."

Representatives Greengo, Berentson and Zimmerman spoke in favor of the resolution, and Representatives Douthwaite, Moon and Sommers spoke against it.

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Newhouse.

Mr. Newhouse: "Did you in the process of handling this bill ever ask the committee chairman for a hearing on this bill?"

Mr. Pardini: "Representative Newhouse, anticipating that there would be considerable debate on this issue, I did ask the Chairman of the State Government Committee, where this bill now resides, for a hearing on this. I did it immediately after second reading, and—"

The Speaker Pro Tem: "You have answered the question. You are not to continue debate."

POINT OF INQUIRY

Mr. Pardini yielded to question by Ms. Becker.

Ms. Becker: "Representative Berentson referred to the desirability of examining the fiscal consequences of our actions which I certainly think is a good idea, and I am wondering if anybody has examined the fiscal consequences of passing this bill? I notice that it does not have an appropriation attached to it and yet it does direct state agencies and local government entities to promulgate a whole lot of paper which certainly is going to have some kind of a fiscal impact. I'd like to know how much this is going to cost?"

Mr. Pardini: "State agencies and local government, Representative Becker, developing rules, regulations, and administrative procedures in conformity with state law shall adopt methods and procedures which will insure that economic values will be given appropriate consideration in decision-making along with environmental, social, health, and safety considerations."

Ms. Becker: "I didn't ask if Representative Pardini could read, I asked if he could count."

Mr. Pardini: "It's not a question of counting. I can count as high as section 2. I told you that's where the language was and you couldn't find it. That's why I thought I should read it to you again. What I am doing in answering your question is, so what if we have to count? We count on environmental impact statements, and in reply to your question, there is a question of cost impact to environmental impact statements. Anyone writing an environmental impact statement, if they have any smarts at all, as Representative Moon has implied, can certainly consider the economic consequences of what is going into it."

POINT OF ORDER

Mr. Douthwaite: "The honorable banker from Spokane has spoken at least once. He's not answering the question, he's just speaking to the issue."

The Speaker Pro Tem: "Well, people keep asking him questions."

Mr. Eikenberry spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on adoption of House Concurrent Resolution No. 54, and the resolution was adopted by the following vote: Yeas, 65; nays, 25; not voting, 8.

Voting yea: Representatives Adams, Amen, Barnes, Bausch, Berentson, Blair, Boldt, Bond, Brown, Chandler, Curtis, Decchio, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hayner, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Matthews, May, McCormick, Moon, Moreau, Nelson, Newhouse, North, Pardini, Paris, Parker, Patterson, Polk, Randall, Sawyer, Schumaker, Smith E. P., Smith R., Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bauer, Becker, Bender, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Gaspard, Hawkins, King, Lux, Lysen, McKibbin, Morgen, O'Brien, Osterman, Peterson, Sherman, Shipoch, Sommers, Thompson, Valle, Williams.

Not voting: Representatives Bagnariol, Ceccarelli, Freeman, Hendricks, Martinis, Maxie, Perry, Seeberger.

House Concurrent Resolution No. 54, having received a two-thirds vote of the members present, was declared adopted.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "In view of the overwhelming vote on House Concurrent Resolution No. 54, would it be possible for this body to instruct the Chairman of the State Government Committee to hold a hearing on Substitute Senate Bill No. 3097?"

The Speaker Pro Tem: "Representative Pardini, there is ample provision for you take several choices as set forth in the rules, House Rules and Reed's Rules."

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Wednesday, March 10, 1976.

DEAN R. FOSTER, Chief Clerk.

JOHN L. O'BRIEN, Speaker Pro Tempore.

SIXTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, March 10, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bagnariol, Barnes, Hendricks, Kuehne, Lee, North and Sawyer. Representatives Bagnariol, Hendricks, Lee and Matthews were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kathie Huggins and Scott Viloudaki. Prayer was offered by the Reverend Richard Hart of the First Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 9, 1976

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 3077,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 9, 1976

Mr. Speaker:

The President has signed:

SENATE BILL NO. 3038,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

SENATE BILL NO. 3038.

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.

Signed by Senators Henry, Bottiger, Guess; Representatives Perry, McCormick, Berentson.

MOTION

On motion of Mr. Perry, the report of the Conference Committee was adopted, and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 9, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on Substitute House Bill No. 779, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

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 consideration, and we report that we cannot agree and request the powers of Free Conference in order to amend the Senate amendment to the bill.

Signed by Senators Bailey, Buffington, Rasmussen; Representatives Sommers, McKibbin, Kuehnle.

MOTION

On motion of Ms. Sommers, the report of the Conference Committee was adopted, and the committee was granted the powers of Free Conference.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 3077, by Senator Talley (by Board of Pilotage Commissioners request):

Revising qualifications for pilots in state waters.

To Committee on Transportation and Utilities

REPORT OF STANDING COMMITTEE

March 9, 1976

SENATE BILL NO. 3281, Prime Sponsor: Senator Newschwander, 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 Representatives Adams, Chairman; Cochrane, Eng, Fortson, Greengo, Haley, Lux, Peterson, Tilly, Whiteside.

To Committee on Rules for second reading.

MESSAGE FROM THE SENATE

March 10, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 2038, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Thompson, the House recessed until 2:00 p.m.

 AFTERNOON SESSION

The House was called to order at 2:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bagnariol, Hendricks, Kuehnle, Lysen and North. Representatives Bagnariol, Hendricks and North were excused.

SECOND READING

Mr. Thompson moved that the Committee on Ways and Means - Appropriations be relieved of ENGROSSED SENATE BILL NO. 3017 and the bill be placed on the second reading calendar.

Representatives Thompson, Shinpoch, Polk and Newhouse spoke in favor of the motion, and it was carried.

MOTIONS

Mr. Thompson moved that ENGROSSED SUBSTITUTE SENATE BILL NO. 3246 be placed on the second reading calendar for immediate consideration.

Mr. Eikenberry moved that the motion by Mr. Thompson be amended, and that HOUSE BILL NO. 1430 be considered before Engrossed Substitute Senate Bill No. 3246.

Mr. Eikenberry spoke in favor of the motion.

POINT OF ORDER

Mr. Thompson: "Mr. Speaker, I think your latitude has permitted Representative Eikenberry to sufficiently explain the measure that he proposes to place before us. Let's find out first if the bill is going to be before us before he pursues the matter further."

The Speaker Pro Tem: "Your point if well taken, Representative Thompson. Representative Eikenberry, if you can hold your remarks to the reason why you think the bill should go before Engrossed Substitute Senate Bill No. 3246."

Mr. Eikenberry concluded his remarks in favor of the motion, and Representatives Thompson and Moon spoke against it.

POINT OF ORDER

Mr. Polk: "Representative Moon is impugning the motives of the members of the body and calling it a political shot. He is impugning the motives of the statewide elected officials and he is wandering far afield in talking about corporations and other things."

The Speaker Pro Tem: "Will you confine your remarks to the motion, Representative Moon?"

Mr. Moon concluded his remarks in opposition to the motion.

Mr. Hansey demanded an electric roll call the the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to place House Bill No. 1430 on the second reading calendar before Engrossed Substitute Senate Bill No. 3246, and the motion was lost by the following vote: Yeas, 35; nays, 51; not voting, 12.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Greengo, Haley, Hansey, Hayner, Juelling, Laughlin, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bauer, Bausch, Becker, Bender, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Douthwaite, Ehlers, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Morgen, O'Brien, Osterman, Perry, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Bagnariol, Boldt, Conner, Gilleland, Hanna, Hendricks, Kuehne, Lysen, Moreau, North, Parker, Sawyer.

The Speaker Pro Tem stated the question before the House to be the motion by Representative Thompson that Engrossed Substitute Senate Bill No. 3246 be placed on the second reading calendar for immediate consideration.

The motion was carried.

MOTION

Mrs. Hurley (Margaret) moved that the Committee on Education be relieved of SENATE BILL NO. 3044 and that it be placed on today's second reading calendar.

Mrs. Hurley (Margaret) spoke in favor of the motion.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

The Speaker Pro Tem declared the question before the House to be the motion by Mrs. Hurley (Margaret) to relieve the Education Committee of Senate Bill No. 3044 and place it on today's second reading calendar.

Mr. Curtis spoke in favor of the motion.

ADMONITION BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "It's a hard rule to interpret on the motion to rerefer or relieve a committee of a bill, but the main question is not open to discussion. The main question is open for discussion when the bill happens to come out before us and we would like to have you hold as much as you possibly can to the reason why it should be submitted to the body at this time."

Representatives Dunlap, Gallagher and Amen spoke in favor of the motion, and Mr. Bauer spoke against it.

A division was requested.

ROLL CALL

The Clerk called the roll on the motion to relieve the Education Committee of Senate Bill No. 3044 and place it on the second reading calendar, and the motion was lost by the following vote: Yeas, 34; nays, 58; not voting, 6.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansey, Hayner, Hurley M., Jastad, Juelling, Kalich, Matthews, May, Newhouse, Pardini, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Martinis, Maxie, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, O'Brien, Osterman, Paris, Parker, Perry, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Bagnariol, Hendricks, Kuehnle, Leckenby, North, Sawyer.

MOTION

Mr. Charette moved that the Committee on Parks and Recreation be relieved of HOUSE BILL NO. 466, and that it be placed on today's second reading calendar.

Representatives Charette and Hurley (Margaret) spoke in favor of the motion.

POINT OF ORDER

Mr. King: "The Representative from the Grays Harbor area is attempting to put before us a matter that has been cut off by the cut-off resolution. I don't believe we should be able to vote on that kind of a motion."

The Speaker Pro Tem: "It appears that House Bill No. 466 pertains to transportation, and if it comes out on the calendar, I will rule at that time, if you raise a point of order then."

ROLL CALL

The Clerk called the roll on the motion to relieve the Committee on Parks and Recreation of House Bill No. 466 and place it on the second reading calendar, and the motion was lost by the following vote: Yeas, 17; nays, 74; not voting, 7.

Voting yea: Representatives Amen, Berentson, Bond, Brown, Charette, Deccio, Haley, Hurley M., Jastad, Juelling, Kalich, Laughlin, Matthews, Nelson, Schumaker, Whiteside, Wojahn.

Voting nay: Representatives Adams, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Kilbury, King, Knowles, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Newhouse, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Zimmerman.

Not voting: Representatives Bagnariol, Eng, Hendricks, Kuehnle, North, Sawyer, Tilly.

ENGROSSED 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 bill was read the second time.

Mr. Shipoch moved adoption of the following amendment:

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 authorized by the general laws of this state, but chooses not to apply, or

(3) is the beneficiary of a disability allowance from any public retirement system authorized by the general laws of this state shall be estopped from becoming a member of or accruing any contractual rights whatsoever in any other public retirement system authorized by the general laws of this state: **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 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."

Mr. Conner moved adoption of the following amendment to the Shinpoch amendment:

On page 1, line 15 after "system" strike all the language down to and including "state" in line 16 and insert "listed in section 5 of this act"

Representatives Conner and Blair spoke in favor of the amendment to the amendment, and it was adopted.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Amen.

Mr. Amen: "Is this the same amendment that was passed in committee, or is this different?"

Mr. Shinpoch: "When we handled the bill in our Appropriations Committee meeting, they had not gotten the bill to us so it has to be a floor amendment. What you have before you is the engrossing of all those amendments which we handled in the Appropriations Committee meeting night before last. I have gone through it and I think we have them all in and they are in properly. Rather than having it come out as a committee amendment, since it never got to us, we are in effect doing it as a floor amendment by me, but it incorporates all those things we did."

On motion of Mr. Conner, the following amendments to the Shinpoch amendment were adopted:

On page 1, line 19 after "system" strike all the language down to and including "state" in line 20 and insert "listed in section 5 of this act"

On page 1, line 23 beginning with "authorized" strike all the language down to and including "state" in line 24 and insert "listed in section 5 of this act"

Mr. Thompson moved adoption of the following amendments to the Shinpoch amendment:

On page 2, line 1 after "systems." strike all the material down to and including "senate." on line 4 and insert "The director of the department of retirement systems shall be appointed by the governor with the consent of the senate. Vacancies shall be filled in the same manner as the original appointment.

Such appointment shall be from a list of not less than three nor more than five names submitted to the governor from a committee consisting of the state auditor, the president of the Washington state labor council or his designee, and the chairman of the board of the association of Washington business or his designee. The committee shall only submit names of persons certified as meeting the eligibility requirements established by the department of personnel and who have taken a competitive examination conducted by the committee itself. As soon as is practicable after the effective date of this 1976 amendatory act, the department of personnel is authorized and directed to establish minimum requirements for the position of director of the department of retirement and to conduct a nation-wide search for eligible candidates. In addition to the minimum requirements established by the department of personnel, only persons with substantial experience in the field of retirement system management shall be eligible to take the competitive examination required herein."

On page 2, line 12 after "RCW 43.03.040." strike all the material down to and including "director." on line 18.

Mr. Thompson spoke in favor of the amendments to the amendment, and Mr. Flanagan spoke against them.

Mr. Thompson spoke again in favor of the amendments.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Blair.

Mr. Blair: "In developing committees such as this that have a responsibility for appointing people in decision-making offices and those who are going to establish policies, the State Auditor, at least to my own experience, has indicated an unwillingness to be part of those committees because he felt that it was in some way a conflict with his responsibilities to audit the actions thereafter of the individual. May I ask you if you conferred with the Auditor and have his willingness to be a part of this committee that you have proposed?"

Mr. Thompson: "I have not conferred with him directly myself, Representative Blair, but I have assurance that he would be a willing participant in the process and a very appropriate one in my view."

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Deccio.

Mr. Deccio: "The last two or three lines state that only persons with substantial experience in the field of retirement systems management shall be eligible. I have never heard of that job description before. Could you elaborate on that please? Where would such a person come from?"

Mr. Thompson: "Such a person, very simply, would come from the field of public service or private, where the practice of providing for pension systems is universal almost within this country. Such a specialist trained in this area exists everywhere."

Mr. King spoke in favor of the amendments to the Shipoch amendment, and Representatives Deccio, Pardini, Leckenby, Matthews and Peterson spoke against them.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Patterson.

Mr. Patterson: "The language describes that those people, through a nationwide search, would meet some minimum requirements that would be established by the Department of Personnel—then I presume following that they are going to take some kind of comparative examination. Who shall determine whether or not they pass or fail? I'm a little bothered by the language, Representative Thompson."

Mr. Thompson: "My interpretation and intent with this amendment would be that the committee itself would rely on the Department of Personnel to establish the minimum requirements that are specifically required in this amendment, and to advise the committee certainly on the conduct of the competitive examinations and the determination of results."

Mr. Patterson: "In other words, your answer is it would be the responsibility then of the Department of Personnel because certainly the committee itself, as it is constituted, would not have the expertise at all to make a determination of whether this person would be qualified for pension management?"

Mr. Thompson: "I would agree with that."

Mr. Patterson: "Do we have people in the Department of Personnel that have those qualities that could make that determination and establish an examination?"

Mr. Thompson: "I have every confidence that we do."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Thompson to the Shipoch amendment to Engrossed Substitute Senate Bill No. 3246, and the amendments were not adopted by the following vote: Yeas, 43; nays, 49; not voting, 6.

Voting yea: Representatives Bauer, Bausch, Bender, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fischer, Fortson, Gaines, Gaspard, Haussler, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Morgen, O'Brien, Osterman, Parker, Randall, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Valle, Williams.

Voting nay: Representatives Adams, Amen, Barnes, Becker, Berentson, Blair, Boldt, Bond, Brown, Charette, Curtis, Deccio, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Gallagher, Gilleland, Greengo, Haley, Hanna, Hansey, Hayner, Hurley M., Jastad, Juelling, Kalich, Leckenby, Lee, Matthews,

McCormick, Moreau, Nelson, Newhouse, Pardini, Paris, Patterson, Peterson, Polk, Sawyer, Schumaker, Sommers, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Hansen, Hendricks, Kuehnle, North, Perry.

Mr. Moon moved adoption of the following amendment to the Shinpoch amendment:

On page 8, line 26 after "actuary" and before "and" insert "and approved by the committee of legislators referred to in section 19,"

Mr. Moon spoke in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Moon to the Shinpoch amendment to Engrossed Substitute Senate Bill No. 3246, and the amendment was adopted by the following vote: Yeas, 54; nays, 30; not voting, 14.

Voting yea: Representatives Adams, Becker, Bender, Boldt, Ceccarelli, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Ehlers, Eikenberry, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Jastad, Kalich, Kilbury, King, Knowles, Lux, Lysen, Martinis, May, McCormick, McKibbin, Moon, Moreau, Morgen, Newhouse, O'Brien, Osterman, Parker, Patterson, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Valle, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Barnes, Bausch, Berentson, Blair, Bond, Brown, Chandler, Deccio, Dunlap, Flanagan, Freeman, Gilleland, Greengo, Hansey, Hurley M., Jueling, Leckenby, Lee, Matthews, Nelson, Pardini, Paris, Peterson, Schumaker, Sommers, Tilly, Warnke, Whiteside, Wilson.

Not voting: Representatives Bagnariol, Bauer, Charette, Eng, Haley, Hansen, Hayner, Hendricks, Kuehnle, Laughlin, Maxie, North, Perry, Polk.

The Clerk read the following amendment by Representatives Blair and Pardini to the Shinpoch amendment:

On page 10 after line 34 insert new sections as follows:

"NEW SECTION. Sec. 27. All retirement systems currently existing under the general laws of the state of Washington, except for first class cities operating their own retirement systems on the effective date of this act, except for the system created by chapter 41.24 RCW, and except for the system covering higher education personnel under chapter 28B.10 RCW relating to annuities and retirement income plans, shall be closed to new membership as of June 30, 1977, and all members, current and prior, shall be guaranteed the respective benefits of their prior systems. Subsequent to the closure of said systems, an actuarial cost shall be established. From this estimation of cost, the legislature shall determine and implement a method of funding this amount in such a manner as to reinforce the legal guarantee of benefit payments to the affected members.

NEW SECTION. Sec. 28. Prior to July 1, 1977, the legislature shall enact substantive, administrative, and investment provisions of a new retirement system to be known as the Washington State retirement system and which is hereby created. The system shall provide as follows:

(1) The membership of the new system shall include all nonfederal public employees of the state and elected officials first taking office on or after July 1, 1977, except for employees of first class cities operating their own retirement systems on the effective date of this act, except for volunteer firemen who are enrolled in the system created by chapter 41.24 RCW, and except for higher education personnel covered by the provisions of chapter 28B.10 RCW relating to annuities and retirement income plans.

(2) The objective of the new system shall be one of providing to each public employee, after a full working career, a reasonable and adequate retirement benefit.

(3) The retirement objective for elected officials first taking office on or after July 1, 1977, shall be the same as that established for employees.

(4) Retirement at an age prior to normal service retirement, as defined by the legislature, shall be permitted with full actuarial reductions from normal retirement age.

(5) If a contributing system is established, the contributing rates of the employee and the employer shall be equal and adjusted periodically to provide sound funding on an actuarial reserve basis.

NEW SECTION. Sec. 29. Sections 27 and 28 of this 1976 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."

Renumber the remaining sections consecutively.

POINT OF ORDER

Mr. Thompson: "I would challenge this amendment on the basis of scope and object."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "It appears that an interpretation of Rule 33, where it states, 'No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment...' that the amendments offered to the amendment by Representatives Blair and Pardini pertain to the closeout of the existing pension systems, the setting up

of a new pension system, purposes and objectives thereto—whereas the original amendment by Representative Shinpoch pertains generally to the question of administration of existing retirement programs, and sets up an actuary provision which strengthens the administration and it pertains generally to administration functions and only those functions. Therefore it appears to the Speaker that this amendment by Representatives Blair and Pardini is out of order. It is not germane to the original subject matter."

Mr. Blair spoke to the amendment.

POINT OF ORDER

Mr. Ehlers: "I believe the Chair has already ruled, and unless Mr. Blair is in the process of making a motion, I don't understand his point."

The Speaker Pro Tem: "All we were doing was allowing Representative Blair to make some comments on his position."

Mr. Pardini moved adoption of the following amendment to the Shinpoch amendment:

On page 10 after line 34 insert new sections as follows:

"NEW SECTION. Sec. 30. The legislature hereby authorizes and directs the public pension commission to formulate and develop a model retirement system which shall serve as the basis for the Washington retirement system. The public pension commission shall submit its findings to the legislature not later than January 15, 1977. The commission shall consider all aspects of comprehensive pension consolidation including the administration of a retirement system, shall hold public hearings in order to solicit input from all concerned citizens, shall engage such consultants as it deems necessary, and shall disseminate all necessary explanatory fiscal or policy impact information.

NEW SECTION. Sec. 31. To carry out the provisions of section 4 of this act there is hereby appropriated from the general fund to the public pension commission the sum of one hundred thirty thousand dollars, or so much thereof as may be necessary."

Mr. Pardini spoke in favor of the amendment to the amendment, and Representatives Flanagan and Sommers spoke against it.

Mr. Pardini spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Pardini to the Shinpoch amendment to Engrossed Substitute Senate Bill No. 3246, and the amendment was adopted by the following vote: Yeas, 46; nays, 42; not voting, 10.

Voting yea: Representatives Adams, Amen, Barnes, Berentson, Bond, Brown, Chandler, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Fischer, Fortson, Freeman, Gaines, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Jastad, Jueling, Kalich, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, McCormick, Moreau, Nelson, Newhouse, Pardini, Patterson, Peterson, Polk, Randall, Schumaker, Smith E. P., Smith R., Tilly, Whiteside, Wojahn.

Voting nay: Representatives Bauer, Becker, Bender, Blair, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Eng, Erickson, Flanagan, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley G. S., Hurley M., Kilbury, King, Knowles, Laughlin, Maxie, May, McKibbin, Moon, Morgen, O'Brien, Osterman, Seeburger, Sherman, Shinpoch, Sommers, Thompson, Valle, Williams, Wilson, Zimmerman.

Not voting: Representatives Bagnariol, Bausch, Hendricks, Kuehnle, North, Paris, Parker, Perry, Sawyer, Warnke.

Mr. Matthews moved adoption of the following amendment by Representatives Matthews and Freeman to the Shinpoch amendment:

On page 1, beginning on line 6 strike all of section 1 and renumber the remaining sections consecutively.

Mr. Matthews spoke in favor of the amendment to the amendment.

Mr. Thompson demanded an electric roll call and the demand was sustained.

Mr. Blair spoke in favor of the amendment to the amendment, and Mr. Shinpoch spoke against it.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Barnes.

Mr. Barnes: "This speaks of members or people who receive retirement allowance from any public retirement system. Would it include federal systems such as the military forces retirement system?"

Mr. Shinpoch: "You didn't read the next sentence. It applies to the general laws of this state and we're talking about only the state systems. We cannot impact the pensions of the federal employees."

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Patterson.

Mr. Patterson: "I'm wondering if TIAA/CREFF is authorized by the laws of the state of Washington. I wonder if that would apply to a member of a faculty after serving a certain period of time as a member of the faculty and in that system which is not a state system, but funded in part by the state, could he then take a job that put him into PERS? What would his status be?"

Mr. Shinpoch: "If I understand it correctly, if you go to section 5, it lists those which are applicable and TIAA/CREFF is not one of those. It says you may not transfer between those systems. I need to correct a portion of the answer I gave to Representative Barnes; I had forgotten that Representative Conner's amendment struck the words in that portion and I think my answer is still correct; we cannot impact the federal system and it's not intended to do that, but those words are no longer there."

Mr. Patterson: "I'm concerned about the general laws of the state which authorize the institutions to participate in TIAA/CREFF and I wonder if there is a complication in that?"

Mr. Shinpoch: "As I was explaining to Representative Barnes, Representative Conner's amendment struck those words and makes it clear that the only thing that applies in here is section 5, and it lists those retirement systems. TIAA/CREFF is not one of those."

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Newhouse.

Mr. Newhouse: "Is it possible that it could be not only a double dip but a triple dip as long as in the first two systems the member worked fifteen years, or he might have worked slightly less than fifteen years?"

Mr. Shinpoch: "In my judgment that would be possible if he was not eligible to retire at the time that he had less than the fifteen years."

Mr. Newhouse: "In other words, a young man could work in one system for slightly less than fifteen years, go to another system for slightly less than fifteen years and to a third system and work until retirement eligibility and collect benefits from three systems?"

Mr. Shinpoch: "I think you'd have to be very careful about how you did that. Let's say you worked for PERS for almost fifteen years and that made you about 35, and you worked in LEOFF and when you got to be 50 in LEOFF, then you would be eligible to retire, and under that condition you could not get any additional. I suppose if you did LEOFF first you could gain another five years somewhere because the eligibility pays for earlier retirement. You can get a double dip if you played it just right, but you'd have to be very careful about how you did it."

Mr. Curtis spoke in favor of the amendment to the Shinpoch amendment.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Curtis.

Mr. Curtis: "In the light of Representative Conner's amendment, what I envision after reading this is that an individual who is drawing partial disability as a member of the LEOFF system—he's been injured and now finds himself working for the state in the capacity for which he could provide useful service—would he be precluded under this amendment as amended by the Conner amendment from accruing pension rights?"

Mr. Shinpoch: "My understanding of subsection (3) of section 1 is that if any individual is a beneficiary of a disability allowance from any state public retirement system, he could not then accrue contractual rights from any other state funded retirement system."

Representatives Peterson and Freeman spoke in favor of the amendment to the amendment.

Mr. Bender demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Matthews and Freeman to the Shinpoch amendment to Engrossed Substitute Senate Bill No. 3246, and the amendment was not adopted by the following vote: Yeas, 23; nays, 68; not voting, 7.

Voting yea: Representatives Barnes, Blair, Bond, Chandler, Curtis, Deccio, Dunlap, Freeman, Gilleland, Greengo, Haley, Hayner, Jueling, Leckenby, Lee, Matthews, Nelson, Patterson, Peterson, Schumaker, Sommers, Tilly, Whiteside.

Voting nay: Representatives Adams, Amen, Bauer, Becker, Bender, Berentson, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Hansey, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Newhouse, O'Brien, Osterman, Pardini, Paris, Parker, Polk, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Bausch, Hendricks, Kuehnl, North, Perry, Smith R.

MOTION FOR RECONSIDERATION

Mr. Randall, having voted on the prevailing side, moved that the House reconsider the vote by which the House adopted the amendment by Representative Pardini to the Shinpoch amendment.

POINT OF ORDER

Mr. Pardini: "I believe Representative Randall's motion is out of order. I believe the rules say that after the fiftieth day a motion on an amendment has to be reconsidered immediately before intervening business. I would submit the other amendments considered by this body are intervening business."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Your point of order is really raised on two rules, House Rule 71 and Reed's Rule 205. The question you've raised on the motion to reconsider is on the final passage of a bill—it has to be made within the same day after the fiftieth day. This is the reconsideration of an amendment. The amendment is still pending before us and so the motion to reconsider is in order."

Mr. Pardini: "Mr. Speaker, I believe that action after the adoption of my amendment is in consequence to the nature of the bill and that is why the amendment should be reconsidered immediately before any action has been taken intervening, otherwise we would be working on bills back and forth all the time."

The Speaker Pro Tem: "Reed's Rule 204 states in part what is meant by action in consequence thereof, 'For instance, a motion to commit cannot be reconsidered after the committee has taken the papers . . .' In this instance nothing has happened. We've been discussing the various amendments; there has been no actual real action where the bill or the amendment has been taken from us. It is still pending for our consideration."

Representatives Sommers and Shinpoch spoke in favor of the motion to reconsider the amendment, and Representatives Pardini and Douthwaite spoke against it.

ROLL CALL

The Clerk called the roll on the motion to reconsider the adoption of the amendment by Representative Pardini adding a new section 30 to the Shinpoch amendment, and the motion was carried by the following vote: Yeas, 51; nays, 42; not voting, 5.

Voting yea: Representatives Bauer, Bausch, Becker, Bender, Blair, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Lux, Maxie, May, McKibbin, Moon, Moreau, Morgen, O'Brien, Osterman, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Voting nay: Representatives Adams, Amen, Barnes, Berentson, Bond, Brown, Chandler, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Freeman, Gaines, Gilleland, Greengo, Haley, Hansey, Hayner, Jueling, Kalich, Leckenby, Lee, Lysen, Martinis, Matthews, McCormick, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Peterson, Polk, Sawyer, Schumaker, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Hendricks, Kuehnl, North, Perry.

The Speaker Pro Tem declared the question before the House to be reconsideration of the Pardini amendment to the Shinpoch amendment.

Mr. Pardini spoke in favor of the amendment to the amendment, and Ms. Sommers spoke against it.

POINT OF ORDER

Mr. Pardini: "The public pension commission is not an outside body. It has five members of the House, five members of the Senate and five lay people."

The Speaker Pro Tem: "Continue, Representative Sommers."

Ms. Sommers continued her remarks in opposition to the amendment.

Representatives Bond and Curtis spoke in favor of the amendment, and Representatives Flanagan and Shinpoch spoke against it.

Mr. Bender demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Pardini to the Shinpoch amendment, and the amendment was not adopted by the following vote: Yeas, 39; nays, 51; not voting, 8.

Voting yea: Representatives Adams, Amen, Barnes, Berentson, Bond, Brown, Chandler, Curtis, Deccio, Douthwaite, Eikenberry, Fortson, Freeman, Gaines, Gilleland, Greengo, Haley, Hansey, Hurley M., Jastad, Juelling, Kalich, Leckenby, Lee, Martinis, Matthews, McCormick, Nelson, Newhouse, Pardini, Paris, Parker, Peterson, Polk, Sawyer, Schumaker, Tilly, Whiteside, Wojahn.

Voting nay: Representatives Bauer, Bausch, Becker, Bender, Blair, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hayner, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McKibbin, Moon, Moreau, Morgen, O'Brien, Osterman, Randall, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Zimmerman.

Not voting: Representatives Bagnariol, Hendricks, Kuehnle, North, Patterson, Perry, Smith R., Wilson.

The Shinpoch amendment as amended was adopted.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Engrossed Substitute Senate Bill No. 3246 as amended by the House was placed on final passage.

Mr. Shinpoch spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Pardini.

Mr. Pardini: "One item which we did not discuss in the debate in setting up the state actuary was fiscal impact. Is there a fiscal note on this bill?"

Mr. Shinpoch: "I do not have a fiscal note on setting up the state actuary. I have the fiscal note of those on the administrative board which would be cut out; but I do not have that of the state actuary."

Representatives Pardini, Blair and Patterson spoke in favor of the bill, and Mr. Freeman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 3246 as amended by the House, and the bill passed the House by the following vote: Yeas, 74; nays, 16; not voting, 8.

Voting yea: Representatives Adams, Amen, Bauer, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Curtis, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gaspard, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moreau, Morgen, Nelson, Newhouse, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Polk, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith R., Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Barnes, Bausch, Conner, Deccio, Dunlap, Freeman, Gallagher, Gilleland, Haley, Hayner, Knowles, Matthews, Peterson, Schumaker, Smith E. P., Sommers.

Not voting: Representatives Bagnariol, Bond, Hendricks, Kuehnle, Moon, North, Perry, Wojahn.

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.

STATEMENT FOR THE JOURNAL

The House did not intend that section 1 of Engrossed Substitute Senate Bill No. 3246 as amended by the House should apply to volunteer firemen receiving benefits from RCW 41.24. In discussion with Representatives Scott Blair, Helen Sommers and myself this was the feeling as to the bill was being considered, that it did not apply to volunteer firemen.

PAUL H. CONNER, 24th District.

ENGROSSED 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.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 3017 was placed on final passage.

Representatives Shinpoch and Peterson spoke in favor of passage of the bill, and Mrs. Wojahn spoke against it.

Mr. Shinpoch spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3017, and the bill passed the House by the following vote: Yeas, 87; nays, 2; not voting, 9.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Seeburger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Jastad, Wojahn.

Not voting: Representatives Bagnariol, Bender, Haley, Hendricks, Kuehnl, Maxie, North, Perry, Smith R.

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.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORT OF STANDING COMMITTEE

March 10, 1976

ENGROSSED SENATE BILL NO. 2982, Prime Sponsor: Senator Woody, permitting the state fire marshal to preempt local codes with approval by the advisory board. Reported by Committee on Education.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 14 after "by the" strike all the material down to and including "RCW 28A.04.310" on line 15 and insert "(advisory board for school building systems established in RCW 28A.04.310) state building code advisory council"

On page 1, line 29 after "by the" strike all the material down to and including "systems" on line 30 and insert "state building code advisory council"

On page 2, line 1 after "advisory" strike "board" and insert "council"

On page 2, beginning on line 5 strike all of section 2.

On page 1, line 2 of the title after "48.48.045" insert a period and strike the remainder of the title.

Signed by Representatives Bauer, Chairman; Clemente, Vice Chairman; Barnes, Bender, Boldt, Brown, Dunlap, Ehlers, Fortson, Haley, Hayner, Hurley (George), Valle, Whiteside.

To Committee on Rules for second reading.

MOTIONS

On motion of Mr. Thompson, the House advanced to the eighth order of business.

On motion of Mr. Randall, the Committee on Ways and Means – Revenue was relieved of HOUSE JOINT RESOLUTION NO. 66, and it was ordered placed on tomorrow's second reading calendar.

On motion of Mr. Thompson, the House adjourned until 10:00 a.m., Thursday, March 11, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SIXTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, March 11, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Brown, Hendricks, Kuehnle, Matthews and Polk. Representatives Brown, Hendricks, Matthews and Polk were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shirley Marincin and Dale Wentworth. Prayer was offered by the Reverend Richard Hart of the First Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

March 9, 1976

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 3025, and asks the House to recede therefrom, and said bill, together with the House amendment thereto, is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Bauer moved that the House insist on its position with regard to Engrossed Senate Bill No. 3025.

Mr. Bauer spoke in favor of the motion, and Mr. Newhouse spoke against it.

POINT OF PARLIAMENTARY INQUIRY

Mr. Bauer: "My motion was that the House do insist on its position. The House majority position at the time the bill went to the Senate was with that amendment on it, and would it not be incumbent then for the House to maintain that position and that the Senate be the one to initiate a conference if a conference is desired?"

The Speaker Pro Tem: "Reed's Rule 252 states that to insist may be coupled with a motion for a conference. You could have included in your motion to insist the request for a conference on the amendment."

Mr. Bauer: "Would it not be presumptuous on the maker of the motion's part to make that assumption in view of the fact that the House position was previously to maintain the bill with the amendment, and to insist on its position would be consistent with that fact?"

The Speaker Pro Tem: "Representative Bauer, this is your decision as to what you think is fitting and proper. There is also another motion you could have made and that is the motion to adhere."

POINT OF PARLIAMENTARY INQUIRY

Mr. Warnke: "I'm still confused on your answer to Representative Bauer. Are we asking to insist on our position and then wait for the Senate to make the motion for a conference committee?"

The Speaker Pro Tem: "There are a number of options open to the Senate. They can either concur; their next motion would be to adhere and if both Houses adhere to their positions, the bill is lost."

MOTION

On motion of Mr. Warnke, the House deferred further consideration of the matter for thirty minutes.

MESSAGE FROM THE SENATE

March 11, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 2038,
SENATE BILL NO. 2537,
SENATE BILL NO. 3017,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:

SUBSTITUTE SENATE BILL NO. 2038,
SENATE BILL NO. 2537,
SENATE BILL NO. 3017.

REPORT OF STANDING COMMITTEE

March 10, 1976

SUBSTITUTE SENATE JOINT RESOLUTION NO. 139, Prime Sponsor: Senator Bluechel, amending the Constitution to permit all legislators to receive the same salary in 1977. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on State Government.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "On the agenda under the fifth order of business, Committee Reports, there is a recommendation that Substitute Senate Joint Resolution No. 139 be rereferred to Committee on State Government. The Chair ruled that, with no motion or vote taken by this body, which is a little unusual procedure. Typically we have this type of thing and a motion is made to rerefer, or at least the body accepts it and it is placed to a vote."

The Speaker Pro Tem: "House Rule 25 states in part, 'The Rules Committee may, by majority vote, refer a bill in its possession to a standing committee of the House for further consideration. Such referrals shall be reported to the House and entered in the Journal under the fifth order of business.' That's what we did."

SECOND READING

ENGROSSED SENATE BILL NO. 2982, by Select Committee on Education, Subcommittee on Resource Utilization (Endorsed by Senators Woody, Lewis R.H., 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.

Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, Sixty-sixth Day, 2nd ex. sess., March 10, 1976.)

On motion of Mr. Bauer, the committee amendments to page 1, line 14; page 1, line 29 and page 2, line 1 were adopted.

Mr. Bauer moved adoption of the committee amendment to page 2, striking section 2.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Newhouse.

Mr. Newhouse: "Mr. Bauer, you will recall that we had this bill on the calendar and there were several amendments, including one I had on the desk and I don't see it there now, and then we sent the bill back to the committee to rework. I recall that the express purpose of this act is befuddled by a lot of extraneous language. Did your committee consider what they were trying to do here on the bottom of page 1 and the top of page 2, where in effect you're

saying if there are more stringent local rules than the state building code, then the state body can just overrule the building code. Is that what you want to do?"

Mr. Bauer: "The reverse could be true. The board might approve of the stringent local standards, also. I don't think it's inherent in here that this State Building Code Advisory Council is going to take the position of the State Fire Marshal any more than they would of the local authority. In addition to that, Representative Newhouse, sometimes when it's in the design of a building, the state fire marshal has given approval of the design to the building and two or three years later the building is constructed and some things changed, those things are accounted for and taken into consideration by the third party here, now the State Building Code Advisory Council. I think the committee was satisfied with that interpretation."

Mr. Newhouse spoke against the committee amendment.

The committee amendment was adopted.

On motion of Mr. Bauer, the committee amendment to the title was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Senate Bill No. 2982 as amended by the House was placed on final passage.

Representatives Bauer and Pardini spoke in favor of the bill, and Representatives Charette and Leckenby spoke against it.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Berentson.

Mr. Berentson: "Can you tell me, is the rationale for this connected in any way to the bill that passed last session or the session before that allowed joint bidding? Is that part of the problem here; does it relate in any way?"

Mr. Bauer: "To my knowledge, and to any discussion in the committee, it did not relate to that at all."

Mr. Haley spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 2982 as amended by the House, and the bill failed to pass the House by the following vote: Yeas, 26; nays, 58; not voting, 14.

Voting yea: Representatives Bauer, Bausch, Bender, Blair, Chandler, Clemente, Douthwaite, Dunlap, Fortson, Hawkins, Hayner, Knowles, Laughlin, Lysen, Maxie, McKibbin, North, O'Brien, Pardini, Paris, Schumaker, Smith R., Thompson, Valle, Warnke, Williams.

Voting nay: Representatives Adams, Amen, Barnes, Becker, Berentson, Boldt, Bond, Ceccarelli, Charette, Charnley, Cochrane, Conner, Curtis, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Leckenby, Lux, Martinis, May, McCormick, Moon, Moreau, Morgen, Nelson, Newhouse, Osterman, Parker, Perry, Peterson, Randall, Seeberger, Sherman, Smith E. P., Sommers, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bagnariol, Brown, Deccio, Gallagher, Hanna, Hendricks, Hurley G. S., Kuehnle, Lee, Matthews, Patterson, Polk, Sawyer, Shinpoch.

Engrossed Senate Bill No. 2982 as amended by the House, having failed to receive the constitutional majority, was declared lost.

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.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3281 was placed on final passage.

Mr. Adams spoke in favor of passage of the bill, and Mr. Hanna spoke against it.

POINT OF INQUIRY

Mr. Adams yielded to question by Mr. Amen.

Mr. Amen: "In looking at the bill, and you've touched on it a little, I see a page and a half of repealers here. Could you give us a short overview of what those repealers do?"

Mr. Adams: "The repealers repeal the 1923 act pertaining to the Uniform Controlled Substances Act—the one that this bill will remove and give the opportunity to the department to decide what the various areas of treatment should be."

Representatives Tilly, Blair, Moon, Peterson and Cochrane spoke in favor of passage of the bill, and Representatives Haley, Deccio, Parker, Fischer and Becker spoke against it.

POINT OF INQUIRY

Mr. Adams yielded to question by Mr. Barnes.

Mr. Barnes: "Nonpassage of this bill would force reprioritization of DSHS funds. Was this discussed in your committee as to what programs would be cut or deprived if this bill did not pass?"

Mr. Adams: "If this bill does not pass then the department and all the secretaries would be in contempt of court—that's the first thing. The second thing is that this bill does not deny the right of the department or the obligation of the department to treat people with a narcotic problem. It only gives them the opportunity to treat within the area that they want to treat them and who they want to treat. There is a case that was brought to them, a young man within a penitentiary, and because of the old law he went to court and he did win the case. Therefore they had to decide on somewhere to put this young man. He wanted to go to Western State but they didn't feel that he was the qualified individual to put into Western State because of the difficulty they were having there, so they didn't send him there. The courts did say that they must do something—go back to the old original law and start farms or start an isolated place where they could treat these people. Today they are willing to do that. If the legislature will come up with \$861,000, they will turn the Women's Penitentiary in Walla Walla into a treating area. I'm sure the legislature is not going to do that. This bill will take them off the hook in that regard and allow them to treat people where and when they want to, in whatever facilities they want to treat them."

Mr. Curtis demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3281, and the bill passed the House by the following vote: Yeas, 64; nays, 24; not voting, 10.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bausch, Berentson, Blair, Ceccarelli, Chandler, Charette, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Haley, Hansen, Hansey, Hayner, Hurley M., Kilbury, Knowles, Laughlin, Leckenby, Lux, Martinis, McCormick, McKibbin, Morgen, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Patterson, Peterson, Randall, Sawyer, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Becker, Bender, Boldt, Bond, Charnley, Deccio, Eng, Fischer, Gilleland, Hanna, Haussler, Hawkins, Hurley G. S., Jastad, Kalich, King, Lysen, Maxie, May, Moreau, Osterman, Parker, Schumaker, Smith R..

Not voting: Representatives Bauer, Brown, Hendricks, Jueling, Kuehnle, Lee, Matthews, Moon, Perry, Polk.

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.

The Speaker Pro Tem stated the question now before the House to be the motion by Representative Bauer that the House insist on its position with regard to ENGROSSED SENATE BILL NO. 3025.

MOTION

On motion of Mr. Warnke, the motion was amended, and the House requested the Senate for a conference thereon.

POINT OF PARLIAMENTARY INQUIRY

Mr. Curtis: "If this motion should be defeated is the bill still in front of us and would the motion to recede then be in order?"

The Speaker Pro Tem: "The House hasn't acted on a motion to recede and so it would be in order after action is taken on this motion and if this motion is defeated."

Representatives Warnke and Dunlap spoke in favor of the motion, and Mr. Curtis spoke against it.

The motion was carried.

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.

The resolution was read the second time.

Mr. Bender moved that the rules be suspended, the second reading considered the third, and House Joint Resolution No. 66 be placed on final passage.

Mr. Thompson spoke against the motion.

With the consent of the House, Mr. Bender withdrew the motion.

On motion of Mr. Thompson, further consideration of House Joint Resolution No. 66 was deferred, and the resolution was ordered to hold its place on second reading.

The Speaker Pro Tem called on Mr. Charette to preside.

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.

The bill was read the second time.

Mr. Leckenby moved adoption of the following amendment:

On page 1, following line 13 insert new subsections as follows:

"(2) A contribution to a candidate or to any campaign entity supporting a candidate may be made by an individual or a political party. A contribution to a political party may be made only by an individual. A contribution from an individual to a candidate or to any campaign entity supporting a candidate or political party must be made directly to a candidate, campaign entity, or the political party.

(3) No candidate, campaign entity, or political party shall accept a contribution not made in compliance with subsection (1) of this section. Every candidate, campaign entity, or political party shall record the name and amount of any contribution by him/her or it from each individual."

Renumber the remaining subsection consecutively.

POINT OF ORDER

Mr. Hawkins: "This amendment is beyond the scope and object and may be a more appropriate consideration under the campaign financing bill."

The Speaker (Mr. Charette presiding): "The Speaker would like to reserve his ruling and announce it to the body after the lunch hour."

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Amen, Hendricks, Kuehnle and Matthews. Representatives Hendricks and Matthews were excused.

MOTION

On motion of Mr. Newhouse, Senate Bill No. 3281 was ordered transmitted immediately to the Senate.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SECOND READING

HOUSE BILL NO. 1305:

The House resumed consideration of the bill on second reading.

The Speaker Pro Tem declared the question before the House to be the point of order raised by Representative Hawkins regarding the amendment by Representative Leckenby.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "House Bill No. 1305 pertains to the payment and receipt of professional fees and to the way campaign contributions once made shall be expended. The subject matter of this bill does not encompass the actual making or receipt of campaign contributions. Your amendment, Representative Leckenby, is attempting to limit campaign contributions, narrowing the scope of both those who may make and those who may receive campaign contributions. It appears that your amendment is in violation of Rule 33 that the amendments should be germane to the subject matter and any matter different from that under consideration shall not be admitted under color of amendment. Also Reed's Rule 160 states the amendments should be germane to the subject matter. Therefore, the Speaker rules that the amendment by Representative Leckenby is not germane to the subject matter of the bill and is out of order."

Mr. Newhouse spoke against the ruling by the Speaker Pro Tem.

The Clerk read the following amendment by Representatives Smith (Rick) and Brown: Strike everything after the enacting clause and insert the following:

"Section 1, 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 are each amended to read as follows:

(1) No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

(2) No professional fee shall be knowingly or intentionally paid to or received by a candidate or elected official, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the fee or in any other manner so as to effect concealment.

NEW SECTION. Sec. 2. There is added to chapter 42.17 RCW a new section to read as follows:

All contributions made to or for any election campaign in which a person is running for public office shall be expended only to promote or to support or to oppose a candidate for election to public office: PROVIDED, That it shall be permissible to expend campaign contributions either before or after such election for the advancement of the political career of any candidate or elected official if such expenditures are directly related to official campaigns or political activities as distinguished from personal, family, business, household, or other private matters of such candidate or elected official. Such expenditures shall be permissible for, but shall not be limited to (1) postage and mailing expenses for political purposes, (2) political dinners and fundraisers, (3) political entertainment, (4) candidate and elected official travel, lodging, and food, and (5) other reasonable living expenses to replace wages, salary, or other income lost during those periods of actual campaigning not to exceed sixty days prior to any election of such candidate or elected official: PROVIDED, That all such expenditures shall be reported and the uses designated at such time as otherwise provided by this chapter."

POINT OF ORDER

Mr. Newhouse: "Mr. Speaker, obviously this amendment is far more outside the scope and object of this bill than the amendment which you have just ruled out of order. Therefore, I challenge the scope and object of this amendment."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "This enlarges the scope of the expenditure of campaign funds and enumerates different areas and how this money can be expended. I know you are concerned about this question and it would appear that the amendment just goes a little further and defines the type of campaign expenditure that can be made from campaign contributions."

Mr. Smith (Rick) moved adoption of the amendment.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "I'm wondering if you were conversing with Representative Newhouse or handing down a ruling on his point of order? Have you ruled?"

The Speaker Pro Tem: "I ruled that his point of order wasn't well taken."

Mr. Eikenberry moved adoption of the following amendment to the Smith/Brown amendment:

On line 16 strike "professional"

Representatives Eikenberry and Smith (Rick) spoke in favor of the amendment to the amendment, and it was adopted.

Mr. Smith (Rick) moved adoption of the following amendment to the Smith/Brown amendment:

On page 2, section 2, line 7 after "election" strike "of" and insert "for"

POINT OF PARLIAMENTARY INQUIRY

Mr. Peterson: "If we adopt the Smith/Brown amendment, does that expand it enough that we might consider an amendment to the amendment similar to the one Representative Leckenby offered?"

The Speaker Pro Tem: "The big question here, and we might as well face it, is whether a fee is a campaign contribution or whether a fee is paid for services rendered. The difference is between fee and contribution and receiving money for professional fees and there is a fine line of distinction and this is where we have the very difficult problem of drawing the line. In answer to your question, we will rule on that if you raise a point of order later."

The amendment to the amendment was adopted.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Smith (Rick) and Brown as amended.

Mr. Smith (Rick) spoke in favor of the amended amendment.

Ms. Sommers moved adoption of the following amendment by Representatives Sommers and Lux to the Smith/Brown amendment:

On page 1, line 30 after "oppose" insert "a ballot issue or"

Ms. Sommers spoke in favor of the amendment to the amendment.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MESSAGE FROM THE SENATE

March 11, 1976

Mr. Speaker:

The President has signed:

SENATE BILL NO. 3281,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

SENATE BILL NO. 3281.

STANDING COMMITTEE APPOINTMENTS

The Speaker Pro Tem announced the following standing committee changes:

Representative Fischer off Committee on Financial Institutions.

Representative Bauer off the Committee on Ecology.

Representative O'Brien off Committee on State Government.

The Speaker Pro Tem appointed Representative Morgen to the Committee on Financial Institutions, Ecology and State Government.

The House resumed consideration of House Bill No. 1305 on second reading.

The Speaker Pro Tem stated the question before the House to be the amendment by Representatives Sommers and Lux to the Smith/Brown amendment.

With the consent of the House, Ms. Sommers withdrew the amendment.

The amendment by Representatives Smith (Rick) and Brown as amended was adopted.

POINT OF PERSONAL PRIVILEGE

Mr. Leckenby: "I would like to call the attention of the members to a newspaper article that was left on your desks that points out the problem of political fund raising. I'm trying to get at that particular issue and that's why I proposed the amendment that was found to be out of order because of the fineness of the line of it, or something, but I do think it would be well for us to recognize what kind of pressures are involved in the fund-raising processes that are going on in our federal and state government."

House Bill No. 1305 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1305 was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1305, and the bill passed the House by the following vote: Yeas, 81; nays, 1; not voting, 16.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Martinis, Maxie, May, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representative Haussler.

Not voting: Representatives Amen, Bausch, Gaines, Haley, Hendricks, Jueling, Kalich, Kuehnle, Lee, Lysen, Matthews, McCormick, Perry, Sawyer, Warnke, Wojahn.

Engrossed House Bill No. 1305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Smith (Rick), Engrossed House Bill No. 1305 was ordered transmitted immediately to the Senate.

Mr. Bender demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Amen, Gaines, Hendricks, Jueling, Kuehnle, Matthews, Paris, Perry, Sawyer and Seeberger.

MOTIONS

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

Mr. Thompson moved that the House immediately consider HOUSE BILL NO. 1488 on second reading.

POINT OF ORDER

Mr. Newhouse: "House Bill No. 1488 has not gone through the full Ways and Means Committee—only to Revenue, and I would suggest that because of the implications of the bill, it is not only a revenue bill, but an appropriations bill also, it should be referred to the full Ways and Means Committee."

With the consent of the House, Mr. Thompson withdrew his motion.

Mr. Newhouse withdrew the point of order.

MOTIONS

On motion of Mr. Thompson, House Bill No. 1488 was rereferred to Committee on Ways and Means.

Mr. Newhouse moved that the Conference Committee Report on Substitute House Bill No. 1364 be made a special order of business of 10:30 a.m. tomorrow.

POINT OF ORDER

Mr. Thompson: "Mr. Speaker, I raise a point of order on the basis that the conference report is not before us."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Newhouse, on your question of making the conference committee report on Substitute House Bill No. 1364 a special point of order for 10:30 tomorrow, it would appear to be out of order at this time. The conferees apparently are still meeting and we don't have a report from the conference committee at this time or a message from the Senate. There is nothing before us."

Mr. Newhouse: "In my opinion there is. I grant you that the physical bill is in the Senate, but I could quote you verbatim the conference committee report—that the conferees report they are unable to agree and request the powers of Free Conference. If we're going to unlock this shop, do anything and get home, this is going to be the first step and I suggest that it is such an important step that we should set a time, get the people here who are interested and vote on it and get it done. That message is here—it has been signed by the conferees, three from the House and three from the Senate—and we could grant the powers of Free Conference and that we could then proceed with the rest of the business to wind it up."

The Speaker Pro Tem: "Representative Newhouse, apparently the conferees have met, but there is not a full agreement yet. Until the next step is made, there still wouldn't be any action taken on behalf of the House."

MOTION

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

MOTION FOR RECONSIDERATION

Mr. Bond, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the House failed to pass Engrossed Senate Bill No. 2982.

Mr. Bond spoke in favor of the motion.

Mr. Berentson demanded the previous question, and the demand was sustained.

The motion failed.

MOTION

On motion of Mr. Thompson, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 11, 1976

HOUSE BILL NO. 1608, Prime Sponsor: Representative Freeman, mandating procedure for distribution of funds to school districts. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means.

March 11, 1976

HOUSE BILL NO. 1609, Prime Sponsor: Representative Freeman, limiting school excess property tax levies, authorizing a statewide school excess levy, and increasing the sales and use taxes. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means.

March 11, 1976

HOUSE BILL NO. 1610, Prime Sponsor: Representative Freeman, requiring state agencies to reduce expenditures within the appropriate mode pursuant to the 1975-77 biennial budget. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means.

March 11, 1976

HOUSE BILL NO. 1611, Prime Sponsor: Representative Freeman, requiring school districts to make contributions to the teachers' retirement system. Reported by Committee on Rules.

MAJORITY recommendation: Rerefer to Committee on Ways and Means.

March 11, 1976

HOUSE JOINT RESOLUTION NO. 84, Prime Sponsor: Representative Randall, pertaining to revenue and taxation. Reported by Committee on Ways and Means - Revenue.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 6 beginning with "Article VIII" strike the remainder of the resolution and insert the following:

"Article VII of the Constitution of the state of Washington by adding thereto a new section relating to revenue and taxation, to read as follows:

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."

Signed by Representatives Randall, Chairman; Erickson, Vice Chairwoman; Hawkins, Hurley (George), Kilbury, Moon, Moreau, Sommers, Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Eikenberry, Newhouse, Pardini.

To Committee on Rules for second reading.

MOTION

On motion of Mr. Thompson, the House adjourned until 10:00 a.m. Friday, March 12, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SIXTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, March 12, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Fortson, Hendricks, Kuehnle, Paris, Seeberger and Warnke. Representatives Fortson, Hendricks, Paris, Seeberger and Warnke were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Colleen Higday and Bruce Overstreet. Prayer was offered by the Reverend Richard Hart of the First Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

March 11, 1976

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 779, and passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

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, as amended by the Senate, permitting employees of political subdivisions of the state to join the state employees' insurance and health care systems, 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, Rasmussen; Representatives Sommers, McKibbin, Kuehnle.

MOTION

Ms. Sommers moved that the report of the Free Conference Committee be adopted.

Representatives Sommers and Newhouse spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Substitute House Bill No. 779 as amended by the Free Conference Committee.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 84; nays, 0; not voting, 14.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Patterson, Perry, Peterson, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Flanagan, Fortson, Haley, Hendricks, Jueling, Kalich, Kuehnlé, Paris, Parker, Polk, Sawyer, Seeberger, Smith R., Warnke.

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.

MESSAGE FROM THE SENATE

March 11, 1976

Mr. Speaker:

The Senate 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.

Bill Gleason, Assistant Secretary.

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 we recommend that the bill be amended 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; 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 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, operations, 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 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.

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 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. 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(:

(~~h~~) and to institute and maintain a regulatory and inspection program for sources and uses of ionizing radiation so as to provide for (~~h~~) (1) compatibility with the standards and regulatory programs of the federal government, (~~h~~) (2) a single, effective system of regulation within the state, and (~~h~~) (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 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. 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 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 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 Washington 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 I-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 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))~~ "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: 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~~

~~((Department of fisheries~~

~~((Department of game~~

~~((State air pollution control board~~

(f) (d) Department of parks and recreation

~~((g))~~ (e) Department of ~~((health))~~ social and health services

- ~~((f))~~ (f) Interagency committee for outdoor recreation
- ~~((g))~~ (g) Department of commerce and economic development
- ~~((h))~~ (h) Utilities and transportation commission
- ~~((i))~~ (i) Office of program planning and fiscal management
- ~~((j))~~ (j) Department of natural resources
- ~~((k))~~ (k) Planning and community affairs agency
- ~~((l))~~ (l) Department of emergency services
- ~~((m))~~ (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 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 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. 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 particular 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, Guess; Representatives Perry, McCormick, Berentson.

MOTION

On motion of Mr. Perry, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3172 was adopted.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 3172 as amended by the Free Conference Committee.

Representatives Perry and Berentson spoke in favor of passage of the bill, and Mr. Eikenberry spoke against it.

POINT OF INQUIRY

Mr. Perry yielded to question by Mr. Amen.

Mr. Amen: "A number of members have been for parts of this, but opposed to the energy office. I see that there is still an energy office in here. Would you comment a little further on what you foresee for the energy office? How fast will this expand? Will it be an expanding office or not?"

Mr. Perry: "That, of course, will be a decision made by the advisory council as just mentioned by Representative Berentson, and the expansion capability of the energy office relies solely upon whether that council decides it should, and it has a termination date of 1981 in it, so if they begin expanding too fast, we would have to renew the legislation. Basically,

that problem that Representative Patterson addressed is specifically spelled out in this compromise version. It says that they can use those materials—only those materials available—and that type of information which they can gather from the industry and the educational institutions and then with the permission of this advisory council, who makes the policy, they could hire an outside consultant or they could do those things, but by the time you look at two from the House, two from the Senate, two from the Governor's office and then some industry people in the situation, I don't think you're going to see an office grow like the Highway Department or one of the other departments."

Mr. Douthwaite spoke in favor of passage of the bill, and Mrs. Valle spoke against it.

POINT OF INQUIRY

Mr. Berentson yielded to question by Mr. Pardini.

Mr. Pardini: "One of the key elements of this is the advisory council. Very briefly, the allegation has been made that this is over-weighted. Could you describe for me the composition of that council before we vote?"

Mr. Berentson: "The council is made up of eleven members and I feel that industry, energy users are well represented; however the charge that many of you have noted made by the Washington Environmental Council, I think, is totally erroneous. There are six members there that could very well be, and most likely will be, consumer advocates. Two appointed by the Governor, two by the House and two by the Senate. I would suggest that it is our responsibility as a legislative body, to make sure that balance is there and will be there, but to have someone such as the Environmental Council charge the weight is ten to one or whatever, frankly, I just don't understand. The balance is there and I think we'll be happy with that balance."

Mr. Patterson spoke in favor of the bill, and Mr. Bond spoke against it.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 71; nays, 18; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Ehlers, Erickson, Fischer, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Patterson, Perry, Peterson, Randall, Sawyer, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Blair, Bond, Curtis, Dunlap, Eikenberry, Eng, Flanagan, Freeman, Haley, Hayner, Hurley G. S., Hurley M., Lux, Polk, Schumaker, Sommers, Valle, Williams.

Not voting: Representatives Bausch, Fortson, Hendricks, Jueling, Kuehne, Paris, Parker, Seeberger, Warnke.

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.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

REPORTS OF STANDING COMMITTEES

March 12, 1976

HOUSE BILL NO. 1488, Prime Sponsor: Representative Erickson, reforming school excess levy collections and providing state supplemental payments. Reported by Committee on Ways and Means.

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Bagnariol, Chairman; Shipoch, Chairman - Appropriations; Randall, Chairman - Revenue; Bauer, Bausch, Blair, Boldt, Brown, Charette, Ehlers, Erickson, Gaspard, Hawkins, Kilbury, May, McKibbin, Nelson, North, Smith (Edward), Smith (Rick), Valle, Williams.

MOTION

On motion of Mr. Thompson, the rules were suspended, and House Bill No. 1488 was placed on second reading.

March 12, 1976

SENATE BILL NO. 3077, Prime Sponsor: Senator Talley, revising qualifications for pilots in state waters. Reported by Committee on Transportation and Utilities.

MAJORITY recommendation: Do pass. Signed by Representatives Perry, Chairman; Barnes, Berentson, Bond, Charnley, Clemente, Douthwaite, Dunlap, Gallagher, Gilleland, Hansen, Hayner, Leckenby, Lee, Patterson, Schumaker, Sherman.

MOTION

On motion of Mr. Thompson, the rules were suspended, and Senate Bill No. 3077 was placed on second reading.

MOTION

On motion of Mr. Thompson, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 3261 as amended by the House, by Senator Rasmussen (by Lieutenant Governor request):

Relating to state government.

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

Representatives Hawkins and Shinpoch spoke in favor of passage of the bill, and Representatives Peterson, Curtis, Brown and Leckenby spoke against it.

POINT OF INQUIRY

Mr. Hawkins yielded to question by Mr. Pardini.

Mr. Pardini: "I have read this bill two or three times and maybe I'm missing it, but can you tell me is the President of the University of Washington forced to make disclosure under this bill or the President of Washington State University?"

Mr. Hawkins: "It's my understanding this would relate to state level boards of higher education and it would not relate to individual institutions."

Mr. Pardini: "Would that mean yes or no?"

Mr. Hawkins: "No."

POINT OF INQUIRY

Mr. Brown yielded to question by Mr. Pardini.

Mr. Pardini: "Does this bill cover the regents of the University of Washington?"

Mr. Brown: "Yes, it covers the regents, but it doesn't cover their appointees."

Mr. Pardini: "It does not cover the chief administrative officer of those institutions that spend a million taxpayer dollars?"

Mr. Brown: "No, it does not."

Mr. Hawkins spoke again in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3261 as amended by the House, and the bill passed the House by the following vote: Yeas, 56; nays, 33; not voting, 9.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fischer, Flanagan, Gaines, Gallagher, Gaspard, Hanna, Hansen, Hausler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, McCormick, McKibbin, Moon, Morgen, North, O'Brien, Osterman, Parker, Perry, Randall, Sawyer, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Valle, Williams, Wojahn.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Dunlap, Eikenberry, Eng, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Jueling, Leckenby, Lee,

Matthews, Moreau, Nelson, Newhouse, Pardini, Patterson, Peterson, Polk, Schumaker, Sommers, Tilly, Whiteside, Zimmerman.

Not voting: Representatives Deccio, Fortson, Hendricks, Kuehnle, May, Paris, Seeberger, Warnke, Wilson.

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.

EXPLANATION OF VOTE

I opposed this measure because it is an obvious attempt to embarrass Governor Dan Evans and his appointees.

The list of policy makers is inadequate, and in some cases, the choice of those included is illogical.

It makes financial disclosure such a burden it will discourage good people, and it will keep out many qualified persons who do not want to disclose all of their private life just to go into part time public service. For example, it requires disclosure for Boards of Trustees of colleges, but not for the president of the institutions.

Government will suffer from this act, not be helped. It makes a mockery of public disclosure.

HAL ZIMMERMAN, 17th District.

MOTION

On motion of Mr. Thompson, the House reverted to the sixth order of business.

SECOND READING

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.

The resolution was read the second time.

On motion of Mr. Dunlap, the following amendments by Representatives Dunlap and Kalich were adopted:

On page 1, line 22 after "(a)" strike all material down to and including "voting" on line 24 and insert: "(1) By any taxing district, except school districts, when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting"

On page 1, line 29 after "constitute" strike "~~((three-fifths)) at least fifty-five percent~~" and insert "three-fifths"

On page 2, line 5 after "at least" strike "~~((three-fifths)) fifty-five percent~~" and insert "three-fifths"

On page 2, after line 9 insert a new paragraph as follows:

"(2) By any school district when specifically authorized so to do by a majority of at least fifty-five percent of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such school district, at which election the number of persons voting 'yes' on the proposition shall constitute at least fifty-five percent of a number equal to forty per centum of the total votes cast in such school district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such school district in the last preceding general election; or by a majority of at least fifty-five percent of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such school district in the last preceding general election."

House Joint Resolution No. 66 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Joint Resolution No. 66 was placed on final passage.

Representatives Kalich and Dunlap spoke in favor of adopting the resolution, and Mr. Chandler spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Resolution No. 66, and the resolution received the constitutional two-thirds majority by the following vote: Yeas, 67; nays, 24; not voting, 7.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charnley, Clemente, Cochrane, Conner, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Freeman, Gaines, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansey, Hawkins, Hayner, Hurley G. S., Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Martinis, Matthews, Maxie, McCormick, McKibbin, Moreau, Morgen, Nelson, North, O'Brien, Osterman, Perry, Randall, Sawyer, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Valle, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Amen, Chandler, Charette, Curtis, Eikenberry, Flanagan, Gallagher, Hansen, Haussler, Hurley M., Jastad, Leckenby, May, Moon, Newhouse, Pardini, Parker, Patterson, Peterson, Polk, Schumaker, Thompson, Tilly, Williams.

Not voting: Representatives Deccio, Fortson, Hendricks, Kuehnle, Paris, Seeberger, Warnke.

Engrossed House Joint Resolution No. 66, having received the constitutional two-thirds majority, was declared passed.

MOTIONS

On motion of Mr. Thompson, Engrossed Senate Bill No. 3261 as amended by the House and Engrossed House Joint Resolution No. 66 were ordered transmitted immediately to the Senate.

On motion of Mr. Thompson, HOUSE BILL NO. 1488 was made a special order of business for 2:00 p.m.

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Fortson, Hendricks, Kuehnle, Paris, Perry, Seeberger, Smith (Rick) and Warnke. Representatives Fortson, Hendricks, Paris, Perry, Seeberger, Smith (Rick) and Warnke were excused.

Mr. Thompson demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Fortson, Hendricks, Kuehnle, Paris, Perry, Seeberger and Warnke.

MOTION

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

APPOINTMENT OF CONFEREES

The Speaker Pro Tem appointed Representatives Valle, Eng and Haley as conferees on Engrossed Senate Bill No. 3025.

SPECIAL ORDER OF BUSINESS

The hour of 2:00 p.m. having arrived, the Speaker Pro Tem stated the question before the House to be the special order of business, House Bill No. 1488 on second reading.

HOUSE BILL NO. 1488, by Representatives Erickson, Bagnariol, Randall and Laughlin:

Reforming school excess levy collections and providing state supplemental payments.

The bill was read the second time.

On motion of Mr. Randall, Second Substitute House Bill No. 1488 was substituted for House Bill No. 1488, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 1488 was read the second time.

The Clerk read the following amendment by Representative Pardini:

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

"Section 1. 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 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 as now or hereafter amended to each school district of the state operating a program ((approved)) in conformance with law and with minimum standards established by the state board of education an amount which, when combined with the following revenues, will constitute ((an equal guarantee in dollars for each weighted pupil enrolled)), based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180, financial equalization for the common schools of the state:

(1) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

(2) One hundred percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(3) One hundred percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

(4) One hundred percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

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.

Notwithstanding any other provision of this chapter, the state shall guarantee to school districts an amount of money from state and local funds((, not less than ninety-five percent of the average amount per enrolled student, excluding special levies, which any such district realized from state and local funds during the preceding three school years)) as otherwise provided in section 2 of this 1976 amendatory act.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

To determine the allocation of moneys for financial equalization under section 1 of this 1976 amendatory act 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.

Notwithstanding any other provision of this section, 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 and regulation a five-year plan that increases the revenue per full time equivalent pupil of such school districts to the state average for comparable districts.

The enrollment of any district for the purposes of determining full time pupils for the purposes of this section shall be the average number of full time students and part time students as provided for in section 4 of this 1976 amendatory act enrolled on the first school day of each month and in accordance with rules and regulations of the superintendent of public instruction.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

In addition to those state funds provided for school districts as otherwise in this chapter provided, the superintendent of public instruction shall include as a part of the superintendent's state budget request, funds to be distributed to school districts for special programs, including but not limited to, programs for the handicapped as authorized by chapter 28A.13 RCW, as now or hereafter amended, programs necessitating additional costs through interdistrict cooperation, whether under RCW 28A.58.075, as now or hereafter amended, or as otherwise provided by law, programs of vocational and/or vocational-technical education, compensatory programs for gifted students, programs for urban, rural, and racial disadvantaged students, pupil transportation including equipment acquisition, and other special programs as deemed appropriate by the superintendent of public instruction and authorized by the legislature.

Sec. 4. 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 are each amended to read as follows:

(1) For purposes of this section, the following definitions shall apply:

(a) "private school student" shall mean any student enrolled full time in a private or private sectarian school;

(b) "school" shall mean any primary, secondary or vocational school;

(c) "school funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "part time student" shall mean and include any student enrolled in a course of instruction in a private or private sectarian school and taking courses at and/or receiving ancillary services offered by any public school not available in such private or private sectarian school district and any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students, including (a) the part time enrollment of students involved in any work training program and desirous of taking courses within the district upon the school board's approval of any such work training program and (b) the part time enrollment of any private school student in any school within the district for the purpose of attending a class or classes or a course of instruction if the class, classes, or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the ~~((costs to each school district occasioned by))~~ enrollment of and/or ancillary services provided for part time students authorized by subsection (2) and shall ~~((include))~~ recognize such ~~((costs in the "weighting schedule" established pursuant to RCW 28A.41.140))~~ enrollment in the distribution of funds to school districts under section 1 of this 1976 amendatory act. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2), and shall include said costs in funding the activities of said school districts.

~~((5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.41.140 and 28A.41.145.))~~

Sec. 5. Section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040 are each amended to read as follows:

The ~~((weighted))~~ student enrollment as computed ~~((under RCW 28A.41.140 accredited to))~~ for the purposes of section 2 of this 1976 amendatory act for each school district or part thereof within a county shall be the basis upon which the real estate sales tax proceeds as provided for in chapter 28A.45 RCW and apportionments from the county current school fund shall be made.

Sec. 6. 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 are each amended to read as follows:

Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with student enrollment as computed for the purposes of ~~((RCW 28A.41.140))~~ section 2 of this 1976 amendatory act and the provisions of RCW 28A.47.800 through 28A.47.811: PROVIDED, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015, or such lesser amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 7. 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 are each amended to read as follows:

In allotting the state funds provided by RCW 28A.47.800 through 28A.47.811, and in accordance with student enrollment as computed for the purposes of ~~((RCW 28A.41.140))~~ section 2 of this 1976 amendatory act, the state board of education shall:

(1) Prescribe rules and regulations not inconsistent with RCW 28A.47.800 through 28A.47.811 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

NEW SECTION. Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

As used in sections 1 and 2 of this 1976 amendatory act:

(1) "Financial equalization" shall mean the process of providing a specified amount of resources based upon costs standard to each district and depending upon the number of full time equivalent enrolled students in the basic education program of such district.

(2) "Basic program of education" shall mean those approved courses of study or learning experiences prescribed by law and rules and regulations of the state board of education and those determined by local school districts to be essential to comply with the constitutional mandate to provide for the ample education of all children residing within the state without distinction or preference.

NEW SECTION. Sec. 9. Section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140 are hereby repealed.

NEW SECTION. Sec. 10. The financial equalization procedure as set forth in sections 1 through 3 of this 1976 amendatory act shall be for distribution purposes only and shall not be construed as mandating specific operational functions of local school districts within the state.

NEW SECTION. Sec. 11. For purposes of distribution of funds during the 1976-77 school year, the superintendent of public instruction shall deduct from the amount to be distributed to each school district pursuant to section 2 of this 1976 amendatory act an amount determined as follows:

(1) For each school district which has made a levy of an additional tax pursuant to RCW 84.52.052 for collection in 1976 and which has, prior to the effective date of this 1976 amendatory act, notified the county auditor of the amount of excess levy for maintenance and operations purposes to be placed on a ballot proposition to be submitted to the electors of the school district for collection in 1977 an amount thereof equal to the difference between an amount determined in accordance with subparagraph (a) of this subsection and an amount determined by subtracting an amount determined in accordance with subparagraph (b) of this subsection from an amount determined in accordance with subparagraph (c) of this subsection.

(a) The difference between the district's estimated receipt of funds from the levy made pursuant to RCW 84.52.052 for collection in 1976 as set forth in the district's final budget as adopted pursuant to RCW 28A.65.095 for the 1975-76 fiscal year and the total amount of such levy which was certified to the county legislative authority prior to the effective date of this 1976 amendatory act for collection in 1976;

(b) (i) Funds estimated to be received by the district for full time equivalent students for the 1976-77 school fiscal year from federal, state, and local funds used in the apportionment formula calculation for the 1976-77 school year on the basis of the appropriation contained in section 149, chapter 269, Laws of 1975 ex. sess.; (ii) funds estimated to be received pursuant to chapter 7, Laws of 1975 2nd ex. sess.; and (iii) funds estimated to be received from excess levies for maintenance and operations purposes applied to the 1976-77 school fiscal year, including such excess levies for collection in 1977 which have been, prior to the effective date of this 1976 amendatory act, certified to the county auditor to be placed on the ballot proposition to be submitted to the electors of the school district, without regard to whether voter authorization has been received;

(c) Funds otherwise estimated to be received by the district for full time equivalent students for the 1976-77 school fiscal year pursuant to section 2 of this 1976 amendatory act plus an amount 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 as of January 1, 1976.

(2) For each school district which has made a levy of an additional tax pursuant to RCW 84.52.052 for collection in 1976 but has not, prior to the effective date of this 1976 amendatory act, notified the county auditor of the amount of excess levy for maintenance and operations purposes to be placed on the ballot proposition(s) to be submitted to the electors of the school district for collection in 1977 an amount thereof equal to one-half the difference between the district's estimated receipt of funds from such levy for collection in 1976 as set out in the district's final budget as adopted pursuant to RCW 28A.65.095 for the 1975-76 fiscal year and the total amount of such levy which was certified to the county legislative authority prior to the effective date of this 1976 amendatory act for collection in 1976. The provisions of this section shall expire on July 1, 1977, and shall thereafter be of no force and effect.

NEW SECTION. Sec. 12. This 1976 amendatory act shall take effect July 1, 1976: PROVIDED, That apportionment of funds as in sections 1 through 3 and 11 of this 1976 amendatory act provided shall not occur under RCW 28A.48.010 until on or before the last business day of September, 1976.

NEW SECTION. Sec. 13. 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. 14. In the event the state-wide special levy presented to the voters of the state by the special levy authority in 1976 pursuant to RCW 84.52.052 as now or hereafter amended, is rejected by the voters, or if such levy be not presented thereto, this 1976 amendatory act shall be deemed null and void and be of no force and effect."

With the consent of the House, Mr. Pardini withdrew the amendment.

MOTION

Mr. Newhouse moved that the House immediately consider the message from the Senate regarding Engrossed Substitute House Bill No. 1364. ✓

POINT OF ORDER

Mr. Charette: "Mr. Speaker, there was a report of the Conference Committee and a request to give powers of Free Conference which was denied by this House, and then it was reconsidered and denied again. Can we now consider Substitute House Bill No. 1364 at all?"

The Speaker Pro Tem: "The question before the House, Representative Charette, is that the House immediately consider the message from the Conference Committee. Your point of order will be timely if the House approves this motion. Then you can raise your point of order and at that time we will rule on it."

Mr. Newhouse spoke in favor of the motion, and Representatives Thompson and Charette spoke against it.

POINT OF ORDER

Mr. Eikenberry: "Reed's Rules, which are incorporated into our House Rules, specifically provide that reference should not be made to the other chamber because it promotes discord and disharmony between the two bodies."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Reed's Rule 224 states as follows: 'References to Another Legislative Branch.—It is not permissible to allude to the action of the other house of a legislature, or to refer to a debate there. Such conduct might lead to misunderstanding and ill-will between two bodies which must cooperate in order to properly serve the people. So, also, the action of the other body should not be referred to to influence the body the member is addressing.' So, Representative Charette, will you kindly hold your remarks to the main question before us."

Mr. Charette continued his remarks in opposition to the motion.

Mrs. Hurley (Margaret) spoke in favor of the motion.

POINT OF ORDER

Mr. Thompson: "I'd like to respectfully and cautiously suggest that Representative Hurley's remarks may not be appropriate to the question."

The Speaker Pro Tem: "The immediate question is consideration of the Conference Committee report. Please hold your remarks to that."

Representatives Pardini, Hayner and Dunlap spoke in favor of the motion, and Mr. Hurley (George) spoke against it.

POINT OF ORDER

Mr. Newhouse: "The obvious thrust of Mr. Hurley's remarks are that I'm a party to perpetrating blackmail because I made the motion. I think that's entirely inappropriate for this floor."

The Speaker Pro Tem: "I would like to remind the members that you should hold your remarks to the main question."

Mr. Hurley (George) continued his remarks in opposition to the motion, and Mr. Peterson spoke in favor of the motion.

Mr. Charnley demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion by Representative Newhouse that the House immediately consider the message from the Senate regarding the Free Conference Report on Engrossed Substitute House Bill No. 1364, and the motion was lost by the following vote: Yeas, 40; nays, 51; not voting, 7.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hurley M., Jastad, Juelling, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Patterson, Peterson, Polk, Randall, Schumaker, Sommers, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Ehlers, Eng, Erickson, Fischer, Gaines, Gallagher, Gaspard, Hanna, Hawkins, Hurley G. S., Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis,

Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, North, O'Brien, Osterman, Parker, Sawyer, Sherman, Shinpoch, Smith E. P., Smith R., Thompson, Valle, Williams, Wojahn.

Not voting: Representatives Fortson, Hendricks, Kuehne, Paris, Perry, Seeberger, Warnke.

POINT OF ORDER

Mr. Newhouse: "Mr. Speaker, I would like to cite for you Reed's Rule 246: 'Procedure in the Assembly.—A conference report has precedence over any other business . . .' and further, ' . . . is privileged, even against a motion to adjourn, and may be made at any time except while the journal is being read, the roll called, or the House dividing.' Therefore I suggest that the report must be read in."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Newhouse, the conference message hasn't been read in for our consideration and also the House has just taken action that the preferred special order of business continue before we consider the message on Substitute House Bill No. 1364."

Mr. Newhouse: "I would suggest that the message is on the Chief Clerk's desk, it has been circulated in copy form on the desk of the members, and to not read it in would require two-thirds vote. It would be a suspension of the rules to not read it in."

The Speaker Pro Tem: "It has been an established custom of this House for a long time and you are well aware that messages from the Senate have been read in more or less at the discretion of the Speaker. When a message from the Senate comes over we don't always give them that priority. I know of many instances when messages from the Senate sat up here for days on end and you were well aware of it. The question of priority relative to messages hasn't been established. We are honoring these messages as they come in. What confronts us today is the fact we have a special order of business for House Bill No. 1488 at 2 o'clock. The House decided to make it a special order of business and then subsequently you made a motion that was defeated, so it appears that the House wants to consider House Bill No. 1488."

Mr. Newhouse: "I would suggest again—I grant you that messages have not been read. I even recall once three years ago when the message was never read through the last two days of the session. That's exactly why I'm concerned. Through courtesy due the other house, we are a bicameral body, particularly during the closing days of the session, we should read them in and in those other cases you mentioned the attention of the Speaker was never called to this rule. Therefore when the rule is called, the Speaker has no recourse but to abide by the rules of the House and Reed's Rules if the House Rules do not apply."

The Speaker Pro Tem: "For your satisfaction, the message regarding Substitute House Bill No. 1364 will be read in as soon as the issue pending is determined. The question on your interpretation of Reed's Rule 246 isn't all that clear."

The House resumed consideration of Second Substitute House Bill No. 1488 on second reading.

MOTION

Mr. Charnley moved that the rules be suspended, the second reading considered the third, and Second Substitute House Bill No. 1488 be placed on final passage.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place Second Substitute House Bill No. 1488 on final passage, and the motion failed to receive the necessary two-thirds majority, by the following vote: Yeas, 54; nays, 37; not voting, 7.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Kalich, Kilbury, King, Knowles, Laughlin, Lee, Lux, Lysen, Martinis, Maxie, McKibbin, Moon, Moreau, Morgen, North, O'Brien, Osterman, Randall, Sawyer, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams.

Voting nay: Representatives Amen, Berentson, Blair, Bond, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hurley M., Jastad, Jueling, Leckenby, Matthews, May, McCormick, Nelson, Newhouse, Pardini, Parker, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Fortson, Hendricks, Kuehne, Paris, Perry, Seeberger, Warnke.

Second Substitute House Bill No. 1488 was passed to Committee on Rules for third reading.

MESSAGE FROM THE SENATE

March 12, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

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 the amend the bill.

Signed by Senators Stortini, Clarke, Beck; Representatives Bauer, Hayner, Clemente.

POINT OF ORDER

Mr. Charette: "Mr. Speaker, I now raise the point of order that I attempted to raise awhile ago. This matter has been before the House and we had refused to grant the powers of Free Conference and even on a motion to reconsider we refused to reconsider this vote. I would suggest that it is not possible for us to consider the matter now."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Reed's Rule 244 states in part, 'The report shall be first made and acted upon by the House which was invited to the conference. It is then passed upon by the other House, if agreed to. If not agreed to by either House, the only method of renewing the question is by a further conference or by one House receding and concurring with the other.' In the instant case, the question was rejected here on the powers of Free Conference, the issue was referred to the Conference Committee again. They have now come back with a new report and this is in line with Reed's Rule 244. It is the Speaker's opinion that the message is in order."

Mr. Charette: "I believe the rule says that it should be first acted upon by the House who originated the bill?"

The Speaker Pro Tem: "By the House that requested the conference."

Mr. Charette: "Who requested the conference?"

The Speaker Pro Tem: "I think that question is moot. It has nothing to do with it."

MOTION

Mr. Bauer moved that the Conference Committee report on Engrossed Substitute House Bill No. 1364 be adopted, and the committee be granted the powers of Free Conference.

Mr. Bauer spoke in favor of the motion, and Mr. Charette spoke against it.

Mr. Hansey demanded an oral roll call, and the demand was sustained.

Mr. Barnes spoke in favor of the motion, and Mr. Smith (Rick) spoke against it.

Representative Fortson appeared at the bar of the House.

ROLL CALL

The Clerk called the roll on the motion to adopt the report of the Conference Committee on Engrossed Substitute House Bill No. 1364, and grant the committee the powers of Free Conference, and the motion was carried by the following vote: Yeas, 55; nays, 37; not voting, 6.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bender, Berentson, Blair, Boldt, Bond, Brown, Chandler, Clemente, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Erickson, Flanagan,

Freeman, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hurley M., Jastad, Jueling, Kalich, Leckenby, Lee, Matthews, Maxie, McCormick, McKibbin, Nelson, Newhouse, O'Brien, Osterman, Pardini, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Shinpoch, Sommers, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bausch, Becker, Ceccarelli, Charette, Charney, Cochrane, Conner, Ehlers, Eng, Fischer, Fortson, Gaines, Gaspard, Hanna, Hawkins, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, May, Moon, Moreau, Morgen, North, Parker, Sherman, Smith E. P., Smith R., Thompson, Valle, Williams, Wojahn.

Not voting: Representatives Hendricks, Kuehnle, Paris, Perry, Seeberger, Warnke.

MESSAGE FROM THE SENATE

March 11, 1976

Mr. Speaker:

The Senate failed to adopt the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2989, and requests the conferees to consider submitting a new report, and said bill is herewith transmitted.

Sidney R. Snyder, Secretary.

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.

Signed by Senators Stortini, Beck, Lewis R.H.; Representatives Fortson, Chandler, Sherman.

MOTION

Mrs. Fortson moved that the report of the Conference Committee be adopted, and the committee be granted the powers of Free Conference.

POINT OF PARLIAMENTARY INQUIRY

Mr. Newhouse: "In the first message on this from the Senate, had we granted powers of Free Conference, and is this then a second request for powers of Free Conference?"

The Speaker Pro Tem: "It appears that the first time the bill passed our House with the amendment, then the Senate refused to concur, so we are running it again with the powers of Free Conference this time."

The motion was carried.

MESSAGE FROM THE GOVERNOR

March 11, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise that on March 11, 1976, Governor Evans approved the following House Bills, entitled:

SUBSTITUTE HOUSE BILL NO. 90: Imposing a tax on coin operated gaming devices subject to federal tax credit and authorizing certain forms of gambling.

SUBSTITUTE HOUSE BILL NO. 1366: Preserving Mount Si.

HOUSE BILL NO. 1496: Making appropriations to the highway commission and toll bridge authority.

Sincerely,

CHI-DOOH LI, Legal Counsel.

MESSAGE FROM THE SENATE

March 11, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1329, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

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 amend the bill.

Signed by Senators Matson, Bottiger, Beck; Representatives Hawkins, Moon, Brown.

MOTION

On motion of Mr. Hawkins, the report of the Conference Committee was adopted, and the committee was granted the powers of Free Conference.

MOTION

Mr. Thompson moved that the Rules Committee be relieved of Second Substitute House Bill No. 1488, and that it be placed on today's third reading calendar.

POINT OF ORDER

Mr. Newhouse: "I would suggest that the proper motion would be that the rules be suspended and following that, the bill be placed on third reading."

The Speaker Pro Tem: "The question before you is the motion to relieve the Rules Committee of a bill and place it on the calendar for third reading. If you want to raise a point of order when it gets on third reading, you can do so then. It requires a suspension of the rules for the bill to be considered on third reading."

Mr. Newhouse: "That was not my point at all. The maker of the motion made the motion that the rules be suspended and the reason, of course, is that it would be to suspend the twenty-four hour rule; therefore I think, and I fully concur, that the rules must be suspended for the bill to be placed on third reading calendar for today."

The Speaker Pro Tem: "The question before you now is the motion that the Rules Committee be relieved of Second Substitute House Bill No. 1488 and it be placed on the calendar for third reading."

The motion was carried.

MOTION

Mr. Thompson moved that the rules be suspended and Second Substitute House Bill No. 1488 be immediately considered on third reading.

ROLL CALL

The Clerk called the roll on the motion by Representative Thompson that the rules be suspended, and Second Substitute House Bill No. 1488 be immediately considered on third reading, and the motion received the necessary two-thirds majority vote by the following vote: Yeas, 78; nays, 14; not voting, 6.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charney, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Fortson, Freeman, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Jueling, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, McKibbin, Moon, Moreau, Morgen, Nelson, North, O'Brien, Osterman, Pardini, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Adams, Fischer, Gaines, Gallagher, Hurley M., Jastad, Kalich, Martinis, May, McCormick, Newhouse, Parker, Sawyer, Wojahn.

Not voting: Representatives Hendricks, Kuehnle, Paris, Perry, Seeberger, Warnke.

THIRD 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 state supplemental payments.

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

Mr. Bender demanded an oral roll call, and the demand was sustained.

Representatives Randall and Erickson spoke in favor of passage of the bill, and Representatives Moon and Newhouse spoke against it.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Charnley.

Mr. Charnley: "It is my understanding that there is a cutoff date on the sales tax increases. Could you affirm that and tell me what period the increase covers?"

Mr. Randall: "There is a cutoff on all three of the tax increases. The three-tenths of one percent sales tax increase is limited to June 30 of 1979 as are the B&O taxes and the utility taxes. The reason we didn't pick a date inside of that, 1978 or even 1977, was the recognition that a ballot issue in November was a remote possibility, not a practical possibility. In order to fund schools sufficiently until a ballot issue is on the following November, we had to put those dates to 1979 to make it a survival measure to fund schools."

Representatives Charnley and Ehlers spoke in favor of the bill.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Pardini.

Mr. Pardini: "Will you clarify for me, the tax increases go into effect April 1st, the patrons of my school district pay those increased taxes and then next year their levies fail. Will they participate in the additional revenue which comes to the state?"

Mr. Randall: "The element of this package is again one of local control. In order to have any special levy money you've got to pass a special levy, whether it's two dollars, one dollar or whatever it happens to be. You must pass a special levy locally. I think the voters have said they want this; they want to maintain that control and I would suggest that any district that couldn't pass a two dollar levy, and an equalized value matches the state, has a lot more than money problems."

Mr. Pardini spoke against the bill, and Representatives Randall, Bauer and Lee spoke in favor of it.

Mrs. Valle demanded the previous question, and the demand was not sustained.

Representatives Valle, Fortson and Bagnariol spoke in favor of the bill, and Representatives May, Parker, Shinpoch, Schumaker and Cochrane spoke against it.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Bond.

Mr. Bond: "In looking over this bill, I notice in section 10 there is an early collection of property taxes next year which leads me to believe that has to be followed by some money later in the year, which leads me to believe that there must be some additional tax increase that will have to be approved next year to make this thing work. Is that correct?"

Mr. Randall: "Yes, that's correct. I'll explain that early collection. Let me give you an example. Currently, the state average levy is about eight dollars per thousand. That's paid four in the spring and four in the fall. We're going to limit levies to a four dollar per thousand level so that on the average there is no change in that early collection of special levies. You stay about where you were. If you had a higher than eight mill levy, your tax bill in the spring is actually less with the early collection, and if you have no levy then you're going to go up to what has been one-half of the state average. We've taken a tax and imposed it as of April 1 for fifteen months in this biennium and we have funded ten months of school with that tax. That is the reason it is an overall less collection of taxes to do the same job as they've done now. They are funding ten months of school with fifteen months of taxes. The next legislature is going to have to respond to that. The reason that we did this was that I'm satisfied that some of us couldn't tolerate any higher than the eleven percent B&O tax—eleven percent utility tax. I know that the Democrats wouldn't support more than three-tenths of one percent. The total available revenue we can bring will only allow us to fund that next school year's program imposing the taxes April 1. You're right, in January, 1977, we're going to have to take a fresh look at our whole funding problem and get after those shorts."

Mr. Bond: "Have you pursued this far enough to hazard a guess as to what direction you expect to look at for additional taxes next year?"

Mr. Randall: "No."

Representatives Greengo and Flanagan spoke in favor of passage of the bill, and Mrs. Hurley (Margaret) spoke against it.

POINT OF ORDER

Mr. Newhouse: "Mr. Speaker, I would like you to rule on the constitutionality, if it's a proper bill in view of Article II, section 19 of the Constitution, that no bill shall embrace more than one subject and that shall be expressed in the title. This bill has several tax issues which could be considered one subject, but it also has appropriation matters, particularly in section 2, and changes the method of taxation and collection and would, therefore, not be constitutionally correct. I believe our House rules provide that we also cannot have more than one subject in a bill."

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "First of all, your point of order isn't timely made. Secondly, for the Speaker to rule on a question of constitutionality is something that I wouldn't want to decide. It would probably be decided later sometime. I'm going to rule your point of order is not well taken."

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Ehlers.

Mr. Ehlers: "There are two items that were brought out in the debate on the utilities tax, that it is going to be passed on to consumers over in Spokane and I guess the rest of the state, too. What about that question and the matter that was brought out by Representative Parker relative to the program as far as costing the Tacoma taxpayers? Could you respond to those two, please?"

Mr. Randall: "The increase in the utility tax amounts to \$9.2 million. The decrease in the property tax amounts to \$8.9 million because we are limiting levies to four dollars per thousand. The next change for all utilities in the state is three-tenths of \$1,300,000—well less than the one percent operating costs and consequently of no consequence when it comes to making a rate change provided by the commission, so it will not impact your statement. Because we were concerned about the Tacoma situation, the staff ran some accurate research with the SPI in the last hour, and we find that the per pupil expenditure last year was \$1459; under this plan it will be \$1632 with less millage to pass. That's an increase of around \$5 million. I do sympathize that there may be in two years to come a carryover problem, but I think generally that's not going to be the case and, of course, the reason is that we are trying to limit those levies and bring the funding to the state level."

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Parker.

Mr. Parker: "We discussed a little about this and I talked to our school board superintendent again since I talked to you. What he said is the problem with the plan is the fact that he takes into this year a carryover from last year's school levy of \$13 million and that if this plan passes and the levies are limited, then the districts in the state that have traditionally passed levies in the next year would not have that carryover; they'd have a carryover only from the amount that was passed, so in effect, while he might get a temporary short-run gain, in the long run, he said over the two year period, his staff calculates he would have an \$11 million reduction or \$5.5 million per year. Can you respond to that? In effect what I'm saying is that if the legislature passes this bill and doesn't provide next year for a substantial increase in either taxes or some form of school levy, what we are doing is taking the districts that have passed levies and cutting their amount that will be available for schools. Is that a right assumption?"

Mr. Randall: "I think the assumption is right, but I think the figures are a little wrong. First of all, in addition to this, there is another \$15.6 million in the formula which would bring it up from \$480 to \$495. He isn't considering that. Certainly the early collection—and that's the point of this whole thing, that we are going to hold the local levies to four dollars per thousand. That's the reason. It's going to force this legislature to provide the kind of

funding relative to maintaining a good education program, allowing a four dollar per thousand levy and that's all."

Mr. Clemente spoke in favor of passage of the bill, and Representatives Deccio and Kalich spoke against it.

Mr. Charette demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1488, and the bill failed to pass the House by the following vote: Yeas, 47; nays, 45; not voting, 6.

Voting yea: Representatives Bagnariol, Barnes, Bauer, Bausch, Becker, Blair, Brown, Ceccarelli, Chandler, Charnley, Clemente, Conner, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Fortson, Gaspard, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Kilbury, King, Laughlin, Lee, Lux, Matthews, Maxie, McKibbin, North, O'Brien, Osterman, Peterson, Randall, Sherman, Smith E. P., Smith R., Sommers, Thompson, Valle, Wilson.

Voting nay: Representatives Adams, Amen, Bender, Berentson, Boldt, Bond, Charette, Cochrane, Curtis, Deccio, Dunlap, Fischer, Freeman, Gaines, Gallagher, Gilleland, Hansey, Hayner, Hurley M., Jastad, Jueling, Kalich, Knowles, Leckenby, Lysen, Martinis, May, McCormick, Moon, Moreau, Morgen, Nelson, Newhouse, Pardini, Parker, Patterson, Polk, Sawyer, Schumaker, Shipoch, Tilly, Whiteside, Williams, Wojahn, Zimmerman.

Not voting: Representatives Hendricks, Kuehnlé, Paris, Perry, Seeberger, Warnke.

Second Substitute House Bill No. 1488, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Mr. Kalich, having voted on the prevailing side, moved that the House reconsider the vote by which the House failed to pass Second Substitute House Bill No. 1488.

Mr. Thompson spoke in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which the House failed to pass Second Substitute House Bill No. 1488, and the motion carried by the following vote: Yeas, 62; nays, 30; not voting, 6.

Voting yea: Representatives Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Fortson, Gaspard, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Jueling, Kalich, Kilbury, King, Laughlin, Lee, Lux, Lysen, Matthews, Maxie, McKibbin, Moon, Moreau, Nelson, North, O'Brien, Osterman, Peterson, Randall, Sawyer, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Williams, Wilson, Zimmerman.

Voting nay: Representatives Adams, Amen, Berentson, Bond, Charette, Curtis, Deccio, Fischer, Freeman, Gaines, Gallagher, Gilleland, Hansey, Hayner, Hurley M., Jastad, Knowles, Leckenby, Martinis, May, McCormick, Morgen, Newhouse, Pardini, Parker, Patterson, Polk, Schumaker, Whiteside, Wojahn.

Not voting: Representatives Hendricks, Kuehnlé, Paris, Perry, Seeberger, Warnke.

MOTIONS

On motion of Mr. Thompson, further action on today's calendar was deferred, and the bills were ordered placed on the calendar of the next working day.

On motion of Mr. Thompson, the House dispensed with further action under the Call of the House.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

SUBSTITUTE HOUSE BILL NO. 779.

MOTION

On motion of Mr. May, the House adjourned until 10:00 a.m., Saturday, March 13, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SIXTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Saturday, March 13, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Hendricks, Jueling, Knowles, Kuehnle, Lysen, Paris, Polk, Sawyer, Seeberger and Warnke. Representatives Hendricks, Jueling, Knowles, Kuehnle, Paris, Polk, Sawyer, Seeberger and Warnke were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Janelle Cline and Kelley Richie. Prayer was offered by the Reverend Richard Hart of the First Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 13, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 779,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 12, 1976

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 50,

HOUSE CONCURRENT RESOLUTION NO. 53,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

March 12, 1976

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 2963,

SUBSTITUTE SENATE BILL NO. 3127,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

March 12, 1976

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on **ENGROSSED SUBSTITUTE SENATE BILL NO. 3172** and has passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

March 12, 1976

Mr. Speaker:

The Senate has concurred in the House amendment to **ENGROSSED SUBSTITUTE SENATE BILL NO. 3246**, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 13, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 3172,
 SUBSTITUTE SENATE BILL NO. 3246,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 13, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SENATE BILL NO. 3025, and the President has appointed as conferees thereon: Senators Stortini, Gould, Grant.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 50,
 HOUSE CONCURRENT RESOLUTION NO. 53,
 SUBSTITUTE SENATE BILL NO. 3172,
 SUBSTITUTE SENATE BILL NO. 3246.

MESSAGE FROM THE SENATE

March 12, 1976

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1329, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

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 we recommend that the Senate amendments be not adopted and the following be substituted therefor:

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:

((+)) (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 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 reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates, and purpose of all such transfers;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date, and purpose of each such expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made of any surplus of contributions over expenditures;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state and not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee or the recipient of such funds has filed or within three days following such receipt shall file with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

Sec. 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 expenditure 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 (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) 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 ~~((relection 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

(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 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 designated 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 state 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, Beck; Representatives Hawkins, Moon, Brown.

MOTION

On motion of Mr. Hawkins, the report of the Free Conference Committee on Substitute House Bill No. 1329 was adopted.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Substitute House Bill No. 1329 as amended by the Free Conference Committee.

Mr. Brown spoke in favor of passage of the bill.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 75; nays, 0; not voting, 23.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Hansey, Haussler, Hawkins, Hurley M., Jastad, Kilbury, King, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Patterson, Perry, Peterson, Schumaker, Sherman, Shipoch, Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn.

Not voting: Representatives Douthwaite, Eikenberry, Gaines, Haley, Hanna, Hansen, Hayner, Hendricks, Hurley G. S., Juelling, Kalich, Knowles, Kuehnle, Lysen, Paris, Parker, Polk, Randall, Sawyer, Seeberger, Smith E. P., Warnke, Zimmerman.

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.

INTRODUCTION AND FIRST READING

SUBSTITUTE SENATE BILL NO. 2963, by Committee on State Government (Originally sponsored by Senators Lewis (Harry) and Bailey):

Amending state patrol laws.

MOTION

On motion of Mr. Newhouse, the rules were suspended, and Substitute Senate Bill No. 2963 was advanced to second reading and read the second time in full.

SUBSTITUTE SENATE BILL NO. 3127, by Committee on Education (Originally sponsored by Senators Gould, Wilson and Mardesich):

Setting forth new procedures for preparation of school district budgets.

To Committee on Education

SECOND READING

SENATE BILL NO. 3077, by Senator Talley (by request of Board of Pilotage Commissioners):

Revising qualifications for pilots in state waters.

The bill was read the second time.

Mr. Perry moved adoption of the following amendment by Representatives Perry, Charnley and Smith (Rick):

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 of the waters of Washington state, or for having testified before any standing committee, subcommittee or select committee of the Washington state legislature."

Representatives Perry, Kilbury and Douthwaite spoke in favor of the amendment, and Representatives Leckenby and Berentson spoke against it.

Mr. Bender demanded an electric roll call and the demand was sustained.

Ms. Lee spoke in favor of the amendment, and Representatives Haley and Bond spoke against it.

Mr. Smith (Rick) spoke in favor of the amendment.

POINT OF ORDER

Mr. Pardini: "The Director of the Department of Labor and Industries is not under indictment or trial before this body, either in this bill or in this amendment. I find Representative Smith's remarks have gone far astray. If he wants to introduce a bill on that subject, he should do so."

The Speaker Pro Tem: "Continue, Representative Smith."

Mr. Smith (Rick) continued his remarks in favor of the amendment, and Mr. Pardini also spoke in favor of it.

POINT OF ORDER

Mr. McKibbin: "I believe the motives of one of the members has been impugned by the present speaker."

The Speaker Pro Tem: "It's pretty hard for the Speaker to censure all the speakers. Will you please try to hold your remarks within our rules."

Mr. Pardini continued his remarks in favor of the amendment.

Mr. Charnley spoke in favor of the amendment, and Mrs. Hayner spoke against it.

POINT OF PERSONAL PRIVILEGE

Mr. Smith (Rick): "I would like to indicate clearly that I wasn't impugning any member's motives. I respect the speakers who have spoken against this bill for the reasons that they say, but I wanted to make clear that if they reject this amendment they are telling the pilots that they are above the state legislature in the state of Washington."

POINT OF PERSONAL PRIVILEGE

Mr. Berentson: "We had the same testimony in committee and, if you interpreted the language of the words that were spoken, I don't think they were saying the intent of Representative Smith at all. I think they were saying, in effect, that the organization, in looking at any individual member, should expect that individual member to respect the right of the

organization to make a decision. I think the intent of that particular quote has been misread here."

Representatives Perry, Barnes and Eikenberry spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Perry, Charnley and Smith (Rick) to Senate Bill No. 3077, and the amendment was adopted by the following vote: Yeas, 72; nays, 11; not voting, 15.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Fortson, Freeman, Gaines, Gaspard, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Laughlin, Lee, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, North, O'Brien, Osterman, Pardini, Perry, Peterson, Randall, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Berentson, Bond, Dunlap, Gilleland, Haley, Hayner, Kalich, Leckenby, Matthews, Nelson, Schumaker.

Not voting: Representatives Fischer, Gallagher, Hendricks, Jueling, Knowles, Kuehnle, Lysen, Newhouse, Paris, Parker, Patterson, Polk, Sawyer, Seeberger, Warnke.

Mr. Smith (Rick) moved adoption of the following amendment by Representatives Smith (Rick) and Perry:

On page 1, following section 1 insert the following:

"NEW SECTION. Sec. 2. 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."

Representatives Smith (Rick) and Kilbury spoke in favor of the amendment, and it was adopted.

On motion of Mr. Smith (Rick), the following amendment to the title was adopted:

On page 1, line 3 of the title after "RCW 88.16.090" insert "; and declaring an emergency"

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Senate Bill No. 3077 as amended by the House was placed on final passage.

POINT OF INQUIRY

Mr. Smith (Rick) yielded to question by Mr. Newhouse.

Mr. Newhouse: "I've listened to all this discussion on why we had to do this to the Pilotage Commission and it crosses my mind that possibly the Pilotage Commission might have had good and sufficient reason other than that stated here for discharging or suspending that man. Might that not be possible? Might then the suspension still be valid?"

Mr. Smith (Rick): "You were referencing the Commission, Representative Newhouse, and the Board of Pilotage Commissioners has taken no action in this regard. It's the Pilots Association. I think the best way to answer your question would be to reference the letter in which Captain Deschamps was chastised. I can't find the letter right now, but it did not speak of anything relative to Captain Deschamps' performance as a captain. In fact, I don't think anybody has ever brought into question his competence as a pilot and it was nothing but the act of testifying before the committee."

Mr. Perry spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3077 as amended by the House, and the bill passed the House with the following vote: Yeas, 82; nays, 0; not voting, 16.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Laughlin, Leckenby, Lee, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Newhouse, North, O'Brien, Osterman, Pardini, Perry, Peterson, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bausch, Fischer, Hendricks, Jueling, Knowles, Kuehnle, Lysen, Matthews, Nelson, Paris, Parker, Patterson, Polk, Sawyer, Seeberger, Warnke.

Senate Bill No. 3077 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 Mr. Thompson, Substitute Senate Bill No. 2963 was placed on the second reading calendar for immediate consideration.

SUBSTITUTE SENATE BILL NO. 2963, by Committee on State Government (Originally sponsored by Senators Lewis [Harry] and Bailey):

Amending state patrol laws.

The bill was read the second time.

Mr. Newhouse moved adoption of the following amendment by Representatives Newhouse, Conner and Moon:

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."

Representatives Newhouse and Conner spoke in favor of the amendment, and it was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 2963 as amended by the House was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 2963 as amended by the House, and the bill passed the House by the following vote: Yeas, 87; nays, 1; not voting, 10.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Patterson, Perry, Peterson, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Haley.

Not voting: Representatives Hendricks, Juelling, Knowles, Kuehnle, Lysen, Paris, Polk, Sawyer, Seeberger, Warnke.

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.

MESSAGE FROM THE SENATE

March 12, 1976

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1441,
ENGROSSED HOUSE BILL NO. 1497,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

HOUSE BILL NO. 1441,
HOUSE BILL NO. 1497.

SENATE AMENDMENT TO HOUSE BILL

March 12, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1313 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"

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Ehlers moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1313.

Mr. Ehlers spoke in favor of the motion.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Curtis.

Mr. Curtis: "There has been some expression of concern on the part of the library districts that this amendment might require the schedules to be enlarged to go beyond what is listed there. I wonder if you could elaborate on that?"

Mr. Shinpoch: "I also looked at that and I asked the Director of the Data Processing Authority to check that amendment out prior to the time it was put on and he did not feel that it did anything. I think the key to the whole thing is that if you go back on page 1, section 4, it indicates that the data processing authority and the state library commission shall develop jointly a schedule of user fees for use of the Washington library network computer system for the purpose of distributing and proportioning to such users, by the 1979-81 biennium, the full cost of operation and continued development of data processing and data communication services related to the network. I think that is the key to all of it and (1) and (2) in that then really relate back to that. I think possibly the key to it is that they be developed jointly between the state library commission and the data processing authority. It's not something that's going to happen unilaterally, and I think this points out very carefully that is the full cost of the development and the continued operation. I really don't think that does anything."

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mrs. Valle.

Mrs. Valle: "As I read it, as you strike the word 'incidental' it expands the fiscal impact and it now reads, 'The payment of salaries, wages, and other costs including but not limited to the acquisition, operation, and administration of acquired data processing services, supplies, and equipment.' I think that language, 'including, but not limited to' in preference to 'incidental' does expand the fiscal impact. I would appreciate further emphasis on this."

Mr. Shinpoch: "I think, Representative Valle, that line 22 on page 1 is the key—it says, '... the full cost of operation and continued development.' I don't think you can expand full cost. I don't think there's any language that can expand that statement."

Mrs. Valle: "Is there any way that we can determine from this bill what the cost would be to any given library?"

Mr. Shinpoch: "I'm not sure that I understand your question. If your question is do we know what the user fees are, the preliminary user fees I do not have, but were presented to the committee on three separate occasions. Again that will depend upon whether you access it or not. You know it's a completely voluntary thing and if it is not to your financial advantage to access it, then you just do not access it at all. There was a preliminary schedule of fees presented to the committee."

Mr. Ehlers spoke in favor of the motion, and Mr. Tilly spoke against it.

The motion to concur was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Bill No. 1313 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1313 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; nays, 5; not voting, 10.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Jastad, Kalich, Kilbury, King, Laughlin, Leckenby, Lee, Lux, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, North, O'Brien, Osterman, Parker, Patterson, Perry, Peterson, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Hurley M., Newhouse, Pardini, Tilly, Valle.

Not voting: Representatives Hendricks, Jueling, Knowles, Kuehne, Lysen, Paris, Polk, Sawyer, Seeburger, Warnke.

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.

MESSAGE FROM THE SENATE

March 12, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 2989, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

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" strike "fourth" and insert "third"

On page 4, line 24 after "The" strike "fourth" and insert "third"

Signed by Senators Stortini, Beck, Lewis R.H.; Representatives Fortson, Chandler, Sherman.

MOTION

On motion of Mrs. Fortson, the report of the Free Conference Committee was adopted.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem declared the question before the House to be final passage of Engrossed Senate Bill No. 2989 as amended by the Free Conference Committee.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 83; nays, 2; not voting, 13.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Dunlap, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Laughlin, Leckenby, Lee, Lux, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini,

Parker, Patterson, Perry, Peterson, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Brown, Ehlers.

Not voting: Representatives Deccio, Douthwaite, Hendricks, Juelling, Knowles, Kuehnle, Lysen, Matthews, Paris, Polk, Sawyer, Seeberger, Warnke.

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 Mr. Thompson, all bills passed in this morning's proceedings were ordered transmitted immediately to the Senate.

On motion of Mr. Thompson, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House was called to order at 2:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Kalich, Knowles, Kuehnle, Lysen, Paris, Perry, Sawyer, Seeberger and Warnke. Representatives Knowles, Kuehnle, Paris, Perry, Sawyer, Seeberger and Warnke were excused.

MESSAGE FROM THE SENATE

March 13, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1441,
HOUSE BILL NO. 1497,
HOUSE CONCURRENT RESOLUTION NO. 50,
HOUSE CONCURRENT RESOLUTION NO. 53,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

HOUSE BILL NO. 1313.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

March 12, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1624 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 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	\$	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	\$	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.

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. (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. 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 EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	228,262
Total Appropriation	\$	228,262

NEW SECTION. Sec. 12. 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. 13. 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. 14. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$	372,968
General Fund—Motor Transport Account Appropriation	\$	271,477
Total Appropriation	\$	644,445

The appropriations contained in this section shall be subject to the following conditions and limitations:

(1) \$210,000 of the \$372,968 general fund appropriation contained in this section shall be expended for the maintenance and up-keep of the Northern State Hospital facility.

(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 \$372,968 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 \$372,968 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. 15. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Funding Sources	\$	13,516,519
Federal Funding Sources	\$	8,070,952
Total Funding Sources	\$	21,587,471

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 health, 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.

(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. 16. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADULT CORRECTIONS AND REHABILITATION PROGRAM

(1) COMMUNITY REHABILITATION SERVICES

General Fund Appropriation—State	\$	286,000
Total Appropriation	\$	286,000

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 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.

(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. 17. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME MAINTENANCE PROGRAM

(1) MAINTENANCE GRANTS

General Fund Appropriation—State	\$	8,451,556
General Fund Appropriation—Federal	\$	4,057,140
Total Appropriation	\$	12,508,696

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) \$185,836 shall be utilized for an inflationary increase 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 appropriations contained in this subsection shall be utilized only for vendor rate increases in intermediate care facility vendor rates for fiscal year 1977.

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM—FAMILY AND CHILDREN SERVICES

General Fund Appropriation—State	\$	260,193
General Fund Appropriation—Federal	\$	105,827
Total Appropriation	\$	366,020

The appropriations contained in this subsection shall be utilized for inflationary increases in vendor rates for fiscal year 1977.

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

(1) GENERAL MEDICAL ASSISTANCE

General Fund Appropriation—State	\$	3,689,174
General Fund Appropriation—Federal	\$	3,587,116
Total Appropriation	\$	7,276,290

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) \$4,183,433 (including \$2,179,554 from federal funds) shall be utilized for vendor rate increases in skilled nursing facility vendor rates for fiscal year 1977.

(c) \$749,997 (including \$321,846 from federal funds) shall be utilized for inflationary increases 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. 20. 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. 21. 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. 22. 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	\$	(43,601,329) 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; SB15-743))~~ \$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.

NEW SECTION. Sec. 23. FOR THE EMPLOYMENT SECURITY 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.

NEW SECTION. Sec. 24. 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. 25. Section 149, chapter 269, Laws of 1975 1st ex. sess. (unmodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—
GENERAL APPORTIONMENT

General Fund Appropriation:

For General Apportionment	\$ ((1,073,195,265))
	1,139,305,039
Total Appropriation	\$ ((1,073,195,265))
	1,139,305,039

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 four 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. 26. 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), 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.

(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 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 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. 27. 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. 28. 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.

Sec. 29. Section 157, chapter 269, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE GIFTED PUPIL PROGRAM

General Fund Appropriation \$ ~~(913,000)~~
 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. 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 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.

NEW SECTION. Sec. 34. 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. 35. 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. 36. 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. 37. 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. 38. 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. 39. 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. 40. 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).

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation	\$	231,231
Highway Safety Fund Appropriation	\$	163,305
Motor Vehicle Fund Appropriation	\$	159,316
General Fund—Marine Fuel Tax Refund Account Appropriation	\$	12,671
Total Appropriation	\$	566,523

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 a study of motor vehicle fuel use under the provisions of RCW 43.99.030.

(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) Up to \$10,000 may be expended by the Chiropractic Disciplinary Board to carry out the purposes of RCW 18.26.

(7) \$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. 42. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

	Reapprop- riations	From the Fund Designated
(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. 43. 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

	Reapprop- riations	From the Fund Designated
(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 Reformatory General Fund	477,751	
(f) Construct and equip new Women's Correctional Institu- tion—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
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.		
(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 con- struction of this facility shall be such that it may be expanded by further construction if added beds are required: PROVIDED FURTHER, That no currently existing structure at this facility shall be demolished as a result of this construction DSHS Construction Account (HJR 52)		2,995,000
(c) Construct and equip Pharmacy and Central Supply Building, Western State Hospital CEP & RI Account	48,583	
(d) Fire alarm and detection, Phase II, Western State Hospital General Fund		199,200
(e) Remodel and equip kitchen and dining room; construct Refrigeration Building, Western State Hospital CEP & RI Account	288,965	
(f) Construct and equip a 350-bed psychiatric hospital (Steilacoom) DSHS Construction Account (HJR 52)		6,985,000

((g)) Construct and equip one community health center DSHS Construction Account (HJR 52)	800,000))
(4) For the Developmental Disabilities Program	
(a) Replace Redwood Hall, Fircrest School (10,064) 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 disabili- ties residential unit and construct and equip dietary addi- tion, 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
((ff)) (i) Install new elevator, Yakima Valley School General Fund	134,540
((mm)) (j) Kitchen renovation, School for the Blind General Fund	9,524
((nn)) (k) Renovate kitchen, primary area, and Adminis- tration Building, School for the Blind General Fund	320,000
((oo)) (l) Install fire alarms and smoke detectors for four cottages and the primary school at the School for the Blind General Fund	50,000
((pp)) (m) Install exterior freight only elevator on the exist- ing commissary building at the School for the Blind General Fund	12,500
((qq)) (n) Construct and equip Advanced Classroom Building, School for the Deaf General Fund	493,921
((rr)) (o) Construct a covered outdoor area, School for the Deaf General Fund	21,316
((ss)) (p) Remodel kitchen-dining room building at the School for the Deaf General Fund	61,287
((tt)) (q) Provide secondary source of power, School for the Deaf CEP & RI Account	43,680

(((w))) (r) Provide fire and safety improvements, School for the Deaf			
General Fund			46,900
(((w))) (s) 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))) (t) Demolish Watson Hall at State School for the Deaf			
General Fund			44,000
(((x))) (u) 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))) (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, 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. 44. FOR THE STATE PARKS AND RECREATION COMMISSION

	Reapprop- riations	From the Fund Designated
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		
(1) Region I		27,500
(2) Region II		56,000
(3) Region III		30,900
Sec. 45. Section 9, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:		
FOR THE DEPARTMENT OF FISHERIES		
	Reapprop- riations	From the Fund Designated
(1) Safety installations to meet WISHA requirements ((General Fund—State)) Fisheries Capital Projects Account		270,350
(2) Improved domestic water supplies— ((Nemah)) Nemah and Willapa hatcheries ((General Fund—State)) Fisheries Capital Projects Account		21,000
(3) Pollution abatement facilities for state hatcheries ((General Fund—State)) Fisheries Capital Projects Account		600,000
(4) Pollution abatement facilities for federal hatcheries General Fund—Federal		550,000
(5) Humptulips hatchery General Fund—State	75,000	((+883,800))
General Fund—Federal	75,000	470,950
Fisheries Capital Projects Account		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))
		350,000
		<u>87,500)</u>
(b) Green River hatchery		
((General Fund—State)) Fisheries Capital Projects Account		((50,000))
		32,500
		<u>32,500</u>
(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))
		87,500
	General Fund—Federal	<u>87,500</u>
(f) Skykomish hatchery		
((General Fund—State)) Fisheries Capital Projects Account		((35,000))
		22,500
		<u>22,500</u>
(g) McAllister Springs		
Fisheries Capital Projects Account		100,000
(h) Johns Creek		
Fisheries Capital Projects Account		200,000
	General Fund—Federal	<u>200,000</u>
(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
(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) Elokommin hatchery release pond		
General Fund—Federal		275,000

Sec. 46, Section 10, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GAME

	Reappropriations	From the Fund Designated
(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))	<u>1,215,848</u>

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	(756,000)	472,500
	<u>1,221,179</u>	
Outdoor Recreation Account appropriation pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.	1,550,000	625,000
<u>NEW SECTION. Sec. 47. FOR THE UNIVERSITY OF WASHINGTON</u>		
	Reappropriations	From the Fund Designated
(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
<u>NEW SECTION. Sec. 48. FOR WASHINGTON STATE UNIVERSITY</u>		
	Reappropriations	From the Fund Designated
(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
<u>NEW SECTION. Sec. 49. FOR EASTERN WASHINGTON STATE COLLEGE</u>		
	Reappropriations	From the Fund Designated
Complete renovations to Science and Isle buildings Eastern Washington State College Capital Projects Account		75,000
<u>NEW SECTION. Sec. 50. FOR CENTRAL WASHINGTON STATE COLLEGE</u>		
	Reappropriations	From the Fund Designated
(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 facilities 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
<u>NEW SECTION. Sec. 51. FOR WESTERN WASHINGTON STATE COLLEGE</u>		
	Reappropriations	From the Fund Designated
Construct and equip an addition to and remodel the auditorium/music building State Higher Education Construction Account		1,874,925
<u>NEW SECTION. Sec. 52. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</u>		
	Reappropriations	From the Fund Designated
(1) Emergency capital repairs		

Community College Capital Construction Account	846,349
(2) Construct and equip addition to learning resource center and structural improvements at Clark Community College	
Community College Capital Construction Account	778,502
(3) Construct and equip utility distribution tunnels at Highline Community 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. 53. 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. 54. 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. 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 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. 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 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. 56. There is hereby appropriated to the general fund the sum of \$5,508,264 from Suspende Fund 705.

NEW SECTION. Sec. 57. 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. 58. 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."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Shipoch, the House refused to concur with the Senate amendments to Engrossed House Bill No. 1624, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFÉREES

The Speaker Pro Tem appointed Representatives Bagnariol, Shinpoch and Polk as conferees on Engrossed House Bill No. 1624.

Mr. Thompson demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Bausch, Kalich, Knowles, Kuehne, Lysen, Paris, Perry, Sawyer, Seeberger and Warnke.

MOTION

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

MESSAGE FROM THE SENATE

March 12, 1976

Mr. Speaker:

The Senate 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, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

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 we recommend that the bill be amended 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, Beck; Representatives Bauer, Hayner, Clemente.

MESSAGES FROM THE SENATE

March 13, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1313,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 13, 1976

Mr. Speaker:

The Senate refuses 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 thereto.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Bagnariol, the House insisted on its position with regard to Engrossed House Bill No. 1624, and asked the Senate for a conference thereon.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House recessed until 1:30 p.m., Sunday, March 14, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SEVENTIETH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wash., Sunday, March 14, 1976.

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Hanna, Kalich, Kuehnle, Lysen, Paris, Parker, Perry and Sawyer. Representatives Kuehnle and Paris were excused.

Mr. Thompson demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Kalich, Kuehnle, Lysen, Paris, Parker, Perry and Sawyer.

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carolyn Wolf and Chris Johnson. Prayer was offered by the Reverend Richard Hart of the First Baptist Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

REPORT OF FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be the Free Conference report on Engrossed Substitute House Bill No. 1364. (For report, see yesterday's Journal.)

MOTION

Mr. Bauer moved that the House adopt the report of the Free Conference on Engrossed Substitute House Bill No. 1364.

Mr. Bauer spoke in favor of the motion, and Mr. Charette spoke against it.

Mr. Charnley demanded an oral roll call and the demand was sustained.

Mr. Barnes spoke in favor of the motion, and Mr. Hurley (George) spoke against it.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Pardini.

Mr. Pardini: "Under the report of the Free Conference Committee there has been some modifications made in the ability of the teacher to elect whether a hearing examiner will hear the case, or only with the teacher's consent can it be handed to a hearing examiner, as I understand it. Is that correct?"

Mr. Bauer: "On page 10, subsection (2) of section 5, line 22, it lays that out and if the teacher elects to have a hearing, an open or closed hearing, the teacher makes that choice, but if the teacher makes no choice then the hearing officer will determine whether it will be open or closed, but it will be before the hearing officer. Whether it will be before the board, other conditions will make that determination. The board may elect to sit in and if they do elect to sit in, there is no choice on the part of the teacher to have the board sit out. If the board elects to sit out and not sit in as a jury, then it's giving final authority to the hearing officer to make final decision. The teacher must then consent to the board sitting out. The teacher may object to the board sitting out and not sitting in and giving final authority to the hearing officer and in that case the board would have to sit in. In every case in a school district if every teacher insisted on the board sitting in, the board would have to sit in, so that's the process of determination of whether or not it's to be open and whether or not it's before the board or a hearing officer."

Mr Pardini: "In the very unusual case that's highly emotionally charged, under the report of the Free Conference Committee, can the teacher elect to (1) have the school board hear the case and (2) can the teacher elect to have the school board hear that case in a closed session?"

Mr. Bauer: "The teacher may elect to have the school board hear the case. If the school board elects to sit out the teacher must consent to that; therefore, if the teacher does not consent, the board must sit in. In other words, the teacher may make the requirement that the board be there and that it be a closed meeting or an open meeting. That determination will be made by the teacher."

Mr. Pardini: "The teacher can determine that it will be a closed meeting with the board present?"

Mr. Bauer: "That is correct."

Representatives Pardini, Deccio and Eikenberry spoke in favor of the motion to adopt the Free Conference Committee report, and Representatives King and Fortson spoke against it.

ROLL CALL

The Clerk called the roll on the motion to adopt the Free Conference Committee report on Engrossed Substitute House Bill No. 1364, and the motion was carried by the following vote: Yeas, 52; nays, 39; not voting, 7.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bender, Berentson, Blair, Bond, Chandler, Clemente, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Erickson, Flanagan, Freeman, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley M., Jastad, Juelling, Laughlin, Leckenby, Lee, Matthews, McCormick, McKibbin, Nelson, Newhouse, O'Brien, Pardini, Patterson, Peterson, Polk, Randall, Schumaker, Shipoch, Sommers, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bausch, Becker, Boldt, Brown, Ceccarelli, Charette, Charnley, Cochrane, Conner, Ehlers, Fischer, Fortson, Gaines, Gaspard, Hanna, Hawkins, Hurley G. S., Kilbury, King, Knowles, Lux, Martinis, Maxie, May, Moon, Moreau, Morgen, North, Osterman, Seeberger, Sherman, Smith E. P., Smith R., Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Kalich, Kuehne, Lysen, Paris, Parker, Perry, Sawyer.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1364 as amended by the Free Conference Committee.

Mr. Bauer spoke in favor of passage of the bill, and Mr. Seeberger spoke against it.

Mr. Hansey demanded an oral roll call and the demand was sustained.

Representatives Hurley (Margaret), Curtis and Clemente spoke in favor of the bill, and Representatives Charette, Gaspard, Smith (Rick) and Cochrane spoke against it.

Representative Lysen appeared at the bar of the House.

Mrs. Hayner spoke in favor of the bill, and Representatives Fortson and Moon spoke against it.

Mr. Newhouse demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 50; nays, 42; not voting, 6.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Berentson, Blair, Bond, Chandler, Clemente, Curtis, Deccio, Douthwaite, Dunlap, Eikenberry, Eng, Erickson, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hayner, Hendricks, Hurley M., Jastad, Juelling, Laughlin, Leckenby, Lee, Matthews, McCormick, McKibbin, Nelson, Newhouse, O'Brien, Pardini, Patterson, Peterson, Polk, Randall, Schumaker, Shipoch, Sommers, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Bagnariol, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Charette, Charnley, Cochrane, Conner, Ehlers, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hawkins, Hurley G. S., Kilbury, King, Knowles, Lux, Lysen, Martinis, Maxie, May, Moon, Moreau, Morgen, North, Osterman, Seeberger, Sherman, Smith E. P., Smith R., Thompson, Valle, Warnke, Williams, Wojahn.

Not voting: Representatives Kalich, Kuehne, Paris, Parker, Perry, Sawyer.

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 Mr. Thompson, the House advanced to the seventh order of business.

THIRD READING

Mr. Thompson moved that the House immediately consider SECOND SUBSTITUTE HOUSE BILL NO. 1488 on third reading.

Mr. Charette moved that the motion by Mr. Thompson be amended, and that Second Substitute House Bill No. 1488 be considered following HOUSE BILL NO. 1443.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced that he was signing:
SUBSTITUTE HOUSE BILL NO. 1329.

The Speaker Pro Tem stated the question before the House to be the motion by Representative Charette, amending Representative Thompson's motion, and placing House Bill No. 1443 on the third reading calendar before Second Substitute House Bill No. 1488.

Mr. Charette spoke in favor of the motion, and Mr. Thompson spoke against it.

The motion was lost.

The motion by Mr. Thompson was carried.

Mr. Parker appeared at the bar of the House.

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.

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

Representatives Randall and Zimmerman spoke in favor of passage of the bill.

Mr. Bender demanded an oral roll call and the demand was sustained.

POINT OF INQUIRY

Mr. Randall yielded to question by Mrs. Hurley (Margaret).

Mrs. Hurley: "The other day when we were considering this, I indicated my concern about the 11% tax on gas. I didn't go far enough. Does this also include telephone, electricity, water, garbage disposal? If it includes telephone, does the 11% then apply to those of us who use long distance quite a lot?"

Mr. Randall: "This is a surtax on all private utilities, whether it be transportation, power or what have you. Again, the decrease in those utilities' property taxes computed at the four mill limitation against the 11% figure increase is just about a wash. I think that we've computed there may be a \$100,000 - \$200,000 of the \$65 million difference. They may increase slightly, but very slightly, because the increase in the tax is matched by the decrease in the property taxes that they pay. Consequently there would be no additional cost to them and consequently no rate change."

Representatives Hurley (Margaret) and Wilson spoke against the bill.

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Patterson.

Mr. Patterson: "I'm more concerned right now about what level of budget this will fund and I would like to know if you can respond to this. Is this the answer to the budget that we passed out of the House of Representatives, or what level of funding would be provided here as far as the state supplemental budget that we will be considering? How many dollars are we talking about that will be available for a budget?"

Mr. Randall: "The tax measures in this, starting April 1 and going through the following June, raise \$110 million. To arrive at a budget assumption then, or a budget level, we utilized what we felt were very sound indications of revenue pictures that we could count on—among them the leasehold tax that's assigned by the Governor, the reversions in federal government to the funding in community affairs agencies. We are taking an \$11.4 million revenue forecast that OPP&FM has that is solid and the total package then, if you use the assumptions, comes to \$139 million. But \$110 million is hard money—real money. We are going to put \$89.4 million, as it is written now, into the guarantee in order to lower and limit levies at four dollars per thousand. It also provides for another \$13.6 million that brings the guarantee from \$480 to \$495, that's the weighted per pupil formula. Without question if you are going to maintain this system, if it proves to be a viable, successful system to work with, the next legislature is going to have to decrease spending somewhere or raise their revenues to fund the programs in full."

Mr. Patterson: "Right now, if we were to pass this bill, would we be providing any money to do something about the salary situation that exists in the state, for example? Would this do anything about the funding of nursing homes to a higher level than now exists? I'm concerned about how much money is being raised that would be available to do some of the other things other than the funding of schools."

Mr. Randall: "In addition to the money going into education, we would have about \$36 million. I made it out as \$21.8 million into a four percent salary increase, \$13.6 million into Social and Health Services. Surely there's nothing matched about that kind of a distribution. As a matter of fact this bill, because it relates to common school funding, dedicates all of this money to education—dedicated to it. Of course, that frees up the general budget for the differences and how the Senate works us on that and how you decide to spend that additional \$36 million, I'm sure will be another question."

POINT OF INQUIRY

Mr. Randall yielded to question by Mr. Moon.

Mr. Moon: "You mentioned that there would be money available because of passage of the leasehold tax. Were you aware that the Governor signed that bill one day after the effective date and that it no longer is really available to us?"

Mr. Randall: "The Governor signed the bill on Monday and we thought this bill was lost as to the effectiveness this year. The Department of Revenue went to work and researched the law to find out when a legislative act takes place. When is it effective? They went back to a 1901 case heard in court, known as the Hangman Case. I'm not quite sure of the details, but evidently a man was to be hanged and the legislature took him off the hook with a bill and the prosecutor said, 'No way, we're going to hang him anyway.' They had a stay and it went to the Supreme Court. The Supreme Court decided that administrative acts or civil actions that go on a clock hour, in the case of legislative acts, take place on the day of the signing. When the Governor signed the leasehold bill on Monday it took place as of 12:01 Monday morning and is valid and secure this year."

Mr. Charnley spoke in favor of the bill, and Mr. Moon spoke against it.

Mr. Newhouse demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1488, and the bill passed the House by the following vote: Yeas, 56; nays, 37; not voting, 5.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Chandler, Charnley, Clemente, Conner, Douthwaite, Ehlers, Eng, Erickson, Flanagan, Fortson, Gaspard, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Kilbry, King, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, McKibbin, Nelson, North, O'Brien, Osterman, Pardini, Peterson, Randall, Sherman, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Williams, Zimmerman.

Voting nay: Representatives Adams, Berentson, Bond, Charette, Cochrane, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Freeman, Gaines, Gallagher, Gilleland, Hansey, Hayner, Hurley M., Jastad, Juelling, Knowles, Martinis, May, McCormick, Moon, Moreau, Morgen, Newhouse, Parker, Patterson, Polk, Schumaker, Seeberger, Shipoch, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Kalich, Kuehnle, Paris, Perry, Sawyer.

Second Substitute House Bill No. 1488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

OBJECTION TO TITLE

Mr. Newhouse: "Mr. Speaker, I object to the title of Second Substitute House Bill No. 1488. The title does not cover the substance of the bill."

The Speaker Pro Tem: "Your remarks will be inserted in the Journal."

MOTION

On motion of Mr. Thompson, Second Substitute House Bill No. 1488 was ordered transmitted immediately to the Senate.

SENATE AMENDMENT TO HOUSE BILL

March 13, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1343 with the following amendment:

On page 1, beginning on line 24 strike all of the underlined material ending on line 28, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Ms. Sommers moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1343.

Ms. Sommers spoke in favor of the motion.

Mr. Pardini demanded an oral roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendment to Engrossed House Bill No. 1343, and the motion was carried by the following vote: Yeas, 80; nays, 13; not voting, 5.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jueling, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Morgen, Nelson, Newhouse, O'Brien, Osterman, Pardini, Patterson, Peterson, Polk, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams.

Voting nay: Representatives Berentson, Charette, Deccio, Eikenberry, Fortson, Hansey, Jastad, Moreau, North, Parker, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Kalich, Kuehne, Paris, Perry, Sawyer.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Bill No. 1343 as amended by the Senate.

Ms. Sommers demanded an oral roll call, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1343 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; nays, 40; not voting, 5.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Blair, Boldt, Brown, Ceccarelli, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Gaines, Haley, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Morgen, Newhouse, O'Brien, Randall, Schumaker, Seeberger, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams.

Voting nay: Representatives Amen, Barnes, Becker, Berentson, Bond, Chandler, Charette, Curtis, Deccio, Dunlap, Eikenberry, Fortson, Freeman, Gallagher, Gaspard, Gilleland, Greengo, Hansey, Hayner, Hendricks, Jastad, Jueling, Leckenby, Lee, Matthews, McCormick, Moreau, Nelson, North, Osterman, Pardini, Parker, Patterson, Peterson, Polk, Tilly, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Kalich, Kuehnle, Paris, Perry, Sawyer.

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.

MESSAGE FROM THE SENATE

September 6, 1975

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 2006 notwithstanding the Governor's veto, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

POINT OF ORDER

Mr. Newhouse: "Would you advise the House as to when Substitute Senate Bill No. 2006 had been vetoed and whether it is still before us as a veto message? And whether or not the legislature has adjourned since that date?"

The Speaker Pro Tem: "It is very difficult for the Speaker to rule on your point of order. It appears that the Senate message came over to us on September 6, 1975, which is within this special session."

Mr. Newhouse: "Mr. Speaker, I would suggest that the House then, and the Speaker at the time, was negligent in not reading the message in because it was sent to the House on June 4th, and we have met twice since then and adjourned sine die, so the September date is a phony date."

The Speaker Pro Tem: "It is also very difficult for us to tell you whether it is a phony date or not. It's the date we have on the message, September 6, 1975. The question you've raised I think is a question for the Supreme Court of the State of Washington to determine."

MOTION

Mr. Conner moved that the House do pass Substitute Senate Bill No. 2006 notwithstanding the Governor's veto.

MOTIONS

On motion of Mr. Conner, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House adjourned until 11:00 a.m., Monday, March 15, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SEVENTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, March 15, 1976.

The House was called to order at 11:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Chandler, Kuehnle, Laughlin, Morgen, Parker, Perry, Randall, Sawyer, Smith (Rick). Representatives Kuehnle, Morgen and Randall were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Becky Gorton and Mike Dittman. Prayer was offered by the Reverend David W. Kratz of the United Churches of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 14, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1329,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 14, 1976

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 2967,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 14, 1976

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 2989, and has passed the bill as amended by the Free Conference Committee.

Bill Gleason, Assistant Secretary.

March 14, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 3261, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

March 14, 1976

Mr. Speaker:

The President has signed:

SENATE BILL NO. 2989,

SENATE BILL NO. 3261,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

The Speaker Pro Tem declared the House to be at ease.
The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Conner, the House recessed until 2:00 p.m.

 AFTERNOON SESSION

The House was called to order at 2:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bagnariol, Chandler, Clemente, Eikenberry, Kuehne, Martinis, McCormick, Morgen, Perry, Polk, Randall, Sawyer and Wojahn. Representatives Kuehne and Morgen were excused.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1343,
 HOUSE BILL NO. 1364, ✓
 SENATE BILL NO. 2989,
 SENATE BILL NO. 3261.

MESSAGE FROM THE SENATE

March 14, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 2778,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2778, by Committee on Ways and Means (Originally sponsored by Senators Donohue, Odegaard and Wilson):

Relating to revenue and taxation.

To Committee on Ways and Means - Revenue

SUBSTITUTE SENATE BILL NO. 2967, by Committee on Ways and Means (Originally sponsored by Senators Donohue, Odegaard and Walgren):

Relating to the support of state government.

To Committee on Ways and Means

REPORTS OF STANDING COMMITTEES

March 15, 1976

ENGROSSED SUBSTITUTE SENATE BILL NO. 3097, Prime Sponsor: Senator Lewis (Harry), requiring consideration of economic factors resulting from government decisions. Reported by Committee on State Government.

MAJORITY recommendation: Do pass 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 2, line 3 strike "6" and insert "5"

Signed by Representatives Ehlers, Vice Chairman; Hendricks, Hurley (Margaret), Leckenby, Nelson, Polk.

To Committee on Rules for second reading.

March 15, 1976

SUBSTITUTE SENATE JOINT RESOLUTION NO. 139, Prime Sponsor: Senator Bluechel, amending the Constitution to permit all legislators to receive the same salary in 1977. Reported by Committee on State Government.

MAJORITY recommendation: Do pass 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"

Signed by Representatives Sommers, Chairwoman; Ehlers, Vice Chairman; Hendricks, Hurley (Margaret), Leckenby, Nelson, Polk, Williams.

To Committee on Rules for second reading.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 46, by Representatives Becker, Peterson, Fischer, Deccio, Hanna and Adams:

Resolving that certain changes be implemented in the office of juvenile rehabilitation of DSHS.

The resolution was read the second time.

On motion of Ms. Becker, Substitute Concurrent Resolution No. 46 was substituted for House Concurrent Resolution No. 46, and the substitute resolution was placed on the calendar for second reading.

Substitute House Concurrent Resolution No. 46 was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute House Concurrent Resolution No. 46 was placed on final passage.

Ms. Becker spoke in favor of the resolution.

POINT OF INQUIRY

Ms. Becker yielded to question by Mr. Curtis.

Mr. Curtis: "Representative Becker, I've not had an opportunity, even though this has been on the calendar for some time, to study it. Looking at the digest of the resolution, it says, 'Resolving certain changes be implemented in the Office of Juvenile Rehabilitation of DSHS.' Could you illustrate for me those changes or give me a list of those changes?"

Ms. Becker: "It's a very long list, Representative Curtis, but the primary one is contained on page 2, subsection (1) where it talks about the budget for the Bureau of Juvenile Rehabilitation and pointing out that right now 67% of the total appropriation is used for institutions. We're recommending a different kind of formula and it goes into some detail as to the different kinds of programs that we think ought to be covered by the money that the bureau is spending. Subsection (2) also recommends that one juvenile rehabilitation institution be closed. It goes on to talk about functions of Cascadia Juvenile Reception and Diagnostic Center. We were concerned when we learned that facility, the way it was set up, were actually doing diagnosis, when what the judges really had in mind was to just send the children somewhere and this was very costly. We learned that the cost of keeping the children in juvenile institutions in this state right now is approaching \$24,000 per child per year and most of our recommendations are designed to work on the problems in a more constructive way while keeping within the same budget."

Mr. Curtis spoke against the bill, and Mr. Peterson spoke in favor of it.

ROLL CALL

The Clerk called the roll on the adoption of Substitute House Concurrent Resolution No. 46, and the resolution was adopted by the House by the following vote: Yeas, 62; nays, 11; not voting, 25.

Voting yea: Representatives Barnes, Bauer, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Cochrane, Conner, Deccio, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Freeman, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Hausler, Hawkins, Hurley G. S.,

Hurley M., Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Maxie, May, McKibbin, Moon, Nelson, North, O'Brien, Osterman, Paris, Patterson, Peterson, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Amen, Bausch, Bond, Curtis, Dunlap, Flanagan, Hendricks, Jastad, Juelling, Schumaker, Seeberger.

Not voting: Representatives Adams, Bagnariol, Berentson, Chandler, Clemente, Eikenberry, Gaines, Gilleland, Hayner, Kalich, Kuehnle, Martinis, Matthews, McCormick, Moreau, Morgen, Newhouse, Pardini, Parker, Perry, Polk, Randall, Sawyer, Smith R., Wojahn.

Substitute House Concurrent Resolution No. 46, having received the constitutional majority, was declared adopted.

MOTION

On motion of Mr. Thompson, HOUSE BILL NO. 1430 was rereferred to Committee on Rules.

STATEMENT FOR THE JOURNAL

I introduced House Bill No. 1430 at the beginning of the legislative session as an attempt to establish ethical standards for policy-making governmental officials in conjunction with extending the financial affairs reporting requirements of the state's disclosure law to appointed officials.

While on the calendar, the bill was the target of a multitude of floor amendments sponsored by members of the minority party. The decision to return the bill to Rules Committee was prompted by the questionable content of a "scalping" amendment drafted by the Secretary of State, coupled with the availability of two additional vehicles for addressing the issue of governmental ethics.

Although the Secretary of State's proposal is also an attempt to establish ethical standards for public officials, its enforceability is questionable. The proposal is a somewhat modified version of the Executive Conflict of Interest Act, an act which the governor has yet to effectively implement. It is apparent that the Secretary of State's proposal would be equally as difficult to enforce effectively.

In addition, the Secretary of State expressed his opinion in testimony before the House Constitution and Elections Committee that his proposal would require a constitutional amendment if it were to be effectively applied to the conduct of legislators. However, no such constitutional amendment was ever introduced in the House.

Fortunately, the House was able to avoid an unjustifiable delay in the session by passing House Bill No. 1305 and Engrossed Senate Bill No. 3261. House Bill No. 1305 prohibits concealing the source of professional fees, and in addition, prohibits "personal use" of campaign contributions. Engrossed Senate Bill No. 3261 has substantially the same effect as House Bill No. 1430 in requiring financial disclosure from certain appointed officials.

The House Constitution and Elections Committee has received formal authorization to continue its study in the area of governmental ethics during the interim and will be developing recommendations for comprehensive legislation to be introduced by committee request in the 1977 Regular Session of the Legislature.

RICHARD "DICK" KING, 38th District.

SENATE AMENDMENTS TO HOUSE BILL

March 14, 1976

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 77 with the following amendments:

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"

On page 5, after "thereof:" 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."

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 period and insert "; and (3) section 29.24.110, chapter 9, Laws of 1965 and RCW 29.24.110." and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTIONS

On motion of Mr. Hawkins, the House concurred in the Senate amendments to page 1, line 23; page 10, line 2; and page 10, line 7.

Mr. Hawkins moved that the House do not concur in the Senate amendment to page 5, line 17, and asked the Senate to recede therefrom.

Representatives Hawkins and Newhouse spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

March 14, 1976

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1544 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 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"

On page 8, line 13 after "substantiated." strike the remainder of the paragraph. and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Ceccarelli moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1544.

Mr. Ceccarelli spoke in favor of the motion, and Mr. Kilbury spoke against it.

REQUEST FOR DIVISION OF QUESTION

Mr. Moon requested that the question be divided.

MOTION

Mr. Moon moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1544 except the amendment to page 8, line 13.

MOTION

Mr. Pardini moved that the House adjourn until 12 noon, Thursday, March 18, 1976.

Mr. Hansey demanded an electric roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion that the House adjourn until noon, Thursday, March 18, 1976, and the motion was lost by the following vote: Yeas, 29; nays, 49; not voting, 20.

Voting yea: Representatives Barnes, Berentson, Blair, Bond, Brown, Curtis, Deccio, Dunlap, Eng, Freeman, Greengo, Haley, Hansen, Hansey, Hendricks, Jueling, Leckenby, Lee, Matthews, Nelson, Pardini, Parker, Patterson, Peterson, Seeberger, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Amen, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Erickson, Fischer, Flanagan, Fortson, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hayner, Hurley G. S., Hurley M., Jastad, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, May, McKibbin, Moon, North, O'Brien, Osterman, Paris, Schumaker, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams.

Not voting: Representatives Adams, Bagnariol, Chandler, Clemente, Eikenberry, Gaines, Gilleland, Kalich, Kuehne, Martinis, McCormick, Moreau, Morgen, Newhouse, Perry, Polk, Randall, Sawyer, Smith R., Wojahn.

The Speaker Pro Tem stated the question before the House to be the motion that the House do concur in the first four Senate amendments to Engrossed Substitute House Bill No. 1544.

Mr. Moon spoke in favor of the motion, and the motion carried.

Mr. Ceccarelli moved that the House concur in the Senate amendment to page 8, line 13.

Representatives Ceccarelli, Leckenby, Haley and Deccio spoke in favor of the motion, and Mr. Kilbury spoke against it.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1544 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1544 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 79; nays, 1; not voting, 18:

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Peterson, Schumaker, Seeberger, Sfierman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Zimmerman.

Voting nay: Representative Maxie.

Not voting: Representatives Chandler, Clemente, Eikenberry, Gallagher, Gilleland, Kalich, Kuehne, Martinis, McCormick, Morgen, Patterson, Perry, Polk, Randall, Sawyer, Smith R., Wilson, Wojahn.

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.

STATEMENT FOR THE JOURNAL

I wish my vote to be recorded in the Journal as "Yes" instead of "No" on Engrossed Substitute House Bill No. 1544.

PEGGY JOAN MAXIE, 37th District.

HOUSE BILL NO. 1282, 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.

The bill was read the second time.

On motion of Mr. Tilly, Substitute House Bill No. 1282 was substituted for House Bill No. 1282, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1282 was read the second time.

On motion of Mr. Tilly, the following amendments by Representatives Tilly and Adams were adopted:

On page 1, line 14 after "RCW," insert "or was"

On page 1, line 21 after "shall" strike all material down to and including the comma on line 22

On page 1, line 23 after "death." strike all material down to and including "herein." on line 25

On motion of Mr. Tilly, the following amendments were adopted:

On page 2, after line 8 add a new section as follows:

"Sec. 2. Section 12, chapter 122 1st ex. sess. and RCW 7.68.130 are each amended to read as follows: Benefits paid pursuant to this chapter shall be reduced by the amount of any other public or private insurance, industrial insurance, or medical health or disability benefits available except life insurance benefits."

On page 1, line 1 of the title strike "and" and on line 2 after "RCW" insert "; and amending section 13, chapter 122 1st ex. sess. and RCW 7.68.130"

Substitute House Bill No. 1282 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Substitute House Bill No. 1282 was placed on final passage.

Mr. Tilly spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1282, and the bill passed the House by the following vote: Yeas, 74; nays, 7; not voting, 17.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Conner, Curtis, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, Moon, Moreau, Nelson, North, O'Brien, Pardini, Paris, Parker, Peterson, Schumaker, Seeberger, Sherman, Shinpoeh, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Becker, Cochran, Flanagan, Hurley M., McKibbin, Newhouse, Osterman.

Not voting: Representatives Adams, Chandler, Clemente, Deccio, Eikenberry, Gilleland, Greengo, Kuehnl, Martinis, McCormick, Morgen, Patterson, Perry, Polk, Randall, Sawyer, Wojahn.

Engrossed Substitute House Bill No. 1282, having received the 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 PARLIAMENTARY INQUIRY

Mr. Peterson: "On today's flash calendar, on the bottom, it has House Bill No. 1624, which is the budget, and it only has the three conferees. Has the Senate appointed conferees?"

The Speaker Pro Tem: "We haven't received a message from the Senate regarding their conferees. There is no message here."

HOUSE BILL NO. 1322, by Representatives Douthwaite and Lux:

Authorizing limitation of on-street parking to vehicles carrying a minimum number of passengers.

The bill was read the second time.

Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Twenty-fourth Day, January 28, 1976.)

Mr. Douthwaite moved adoption of the committee amendment.

POINT OF ORDER

Mr. Pardini: "Will the Speaker rule on House Bill No. 1322 as being outside the cutoff date in Senate Concurrent Resolution No. 125?"

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "The cutoff resolution doesn't exclude matters pertaining to transportation. It appears that this amendment is relative to a section pertaining to the State Highway Commission and relative to highway matters. This more or less amends this section for the parking of public transportation vehicles. It appears to be in the highway field and the Speaker will rule that the bill is within the interpretation of our cutoff resolution."

Mr. Douthwaite spoke in favor of the committee amendment, and it was adopted.

On motion of Mr. Douthwaite, the committee amendment to the title was adopted.

House Bill No. 1322 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1322 was placed on final passage.

Mr. Douthwaite spoke in favor of the bill, and Mr. Curtis spoke against it.

POINT OF INQUIRY

Mr. Douthwaite yielded to question by Mrs. Valle.

Mrs. Valle: "How will this parking facility be policed?"

Mr. Douthwaite: "The City of Seattle is not concerned particularly about policing of the car pool areas because they have had an experimental program in this area of the city underway for some time and they have observed that it is working quite well. I did ask them about this point, but their experience is that at the present area where there are some one hundred twenty cars parking in a preferential area of car pooling, (it's near the City Hall near the freeway) that there is little thieving going on and it is being properly used. The Seattle police are working with the city in this area so I think there's honestly no serious problem in this regard. If there is I'm confident that the city will take care of it."

Mr. Haussler spoke in favor of the bill, and Ms. Lee spoke against it.

POINT OF INQUIRY

Mr. Douthwaite yielded to question by Mr. Haley.

Mr. Haley: "Is it not possible at this point for local government to pass regulations and ordinances allowing this? Is it necessary for the state to do this?"

Mr. Douthwaite: "That was my first reaction, too. The answer is no, it is not possible given we have a very strict council person in the City of Seattle, at least, and it is not possible to accomodate this without state enabling action."

Mr. Haley: "Don't they now have local ordinances allowing trucks to park in these similar type situation zoned areas?"

Mr. Douthwaite: "I presume that trucks are not in the car pooling business."

Mr. Haley: "I was just wondering how they could make local rules and ordinances allowing this to occur?"

Mr. Douthwaite: "I think you'll find it's moot."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1322, and the bill passed the House by the following vote: Yeas, 61; nays, 20; not voting, 17.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Greengo, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Nelson, North, O'Brien, Osterman, Parker, Peterson, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams, Zimmerman.

Voting nay: Representatives Amen, Berentson, Bond, Curtis, Dunlap, Freeman, Gaspard, Haley, Hansey, Hayner, Hendricks, Juelling, Lee, Matthews, Moreau, Newhouse, Pardini, Paris, Tilly, Whiteside.

Not voting: Representatives Bausch, Chandler, Clemente, Deccio, Eikenberry, Gilleland, Kuehnle, McCormick, Morgen, Patterson, Perry, Polk, Randall, Sawyer, Warnke, Wilson, Wojahn.

Engrossed House Bill No. 1322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Thompson, ENGROSSED HOUSE BILL NO. 1267 and HOUSE BILL NO. 1627 were rereferred to Committee on Rules.

HOUSE BILL NO. 1355, by Representatives Sommers and Dunlap (by State Productivity Council request):

Implementing law relating to the state employee suggestion program.

The bill was read the second time.

POINT OF ORDER

Mr. Newhouse: "Would you rule as to whether this bill is exempted from the cutoff as established by SCR 125?"

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Newhouse, it appears that House Bill No. 1355 would come within our cutoff resolution. It has an appropriation and also indirectly is involved with state employee salary adjustments, which is also part of our cutoff resolution."

Mr. Newhouse: "Mr. Speaker, if it has an appropriation, has it gone through the Ways and Means Committee?"

The Speaker Pro Tem: "The bill was rereferred to Committee on Ways and Means - Appropriations on January 31, 1976. The committee was relieved of the bill."

Committee on State Government recommendation: Do pass as amended. (For amendment, see Journal, Twenty-sixth Day, 2nd ex. sess., January 30, 1976.)

On motion of Ms. Sommers, the committee amendment was adopted.

House Bill No. 1355 was ordered engrossed.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed House Bill No. 1355 was placed on final passage.

Representatives Sommers and Dunlap spoke in favor of the bill.

POINT OF INQUIRY

Ms. Sommers yielded to question by Mr. Peterson.

Mr. Peterson: "Do we, as legislators being state employees, get in on this?"

Ms. Sommers: "No, you are exempt."

Mr. Peterson: "How about employees of the legislature?"

Ms. Sommers: "No. There are strict guidelines as to who may participate. For example, supervisory people who would be making suggestions regarding something that is already their responsibility, may not participate."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1355, and the bill passed the House by the following vote: Yeas, 84; nays, 0; not voting, 14.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Charette, Charnley, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Peterson, Schumaker, Seeburger, Sherman, Shinpoch, Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Not voting: Representatives Chandler, Clemente, Eikenberry, Gilleland, Kuehnle, Matthews, McCormick, Morgen, Perry, Polk, Randall, Sawyer, Smith E. P., Wojahn.

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.

MOTIONS

On motion of Mr. Thompson, HOUSE BILL NO. 1217 was rereferred to Committee on Rules.

On motion of Mr. Thompson, consideration of the bills on today's third reading calendar was deferred, and the bills were ordered held for tomorrow's calendar.

Mr. Newhouse moved that the Committee on Ways and Means be relieved of SUBSTITUTE SENATE BILL NO. 2967, and the bill be placed on the second reading calendar.

Representatives Newhouse and Curtis spoke in favor of the motion, and Representatives Bagnariol and Thompson spoke against it.

Mr. Leckenby spoke in favor of the motion.

POINT OF ORDER

Mr. Thompson: "Mr. Speaker, the measure is not before us."

The Speaker Pro Tem: "Your point is well taken."

Mr. Leckenby continued his remarks in favor of the motion, and Representatives Pardini and Newhouse also spoke in favor.

ROLL CALL

The Clerk called the roll on the motion to relieve the Committee on Ways and Means of Substitute Senate Bill No. 2967 and place it on the second reading calendar, and the motion was lost by the following vote: Yeas, 37; nays, 51; not voting, 10.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Charnley, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley G. S., Jueling, Leckenby, Lee, Matthews, Nelson, Newhouse, North, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Smith R., Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Moreau, O'Brien, Osterman, Parker, Seeberger, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams.

Not voting: Representatives Chandler, Clemente, Gilleland, Kuehne, McCormick, Morgen, Perry, Randall, Sawyer, Wojahn.

MOTION

Mr. Amen moved that the Committee on Ways and Means be directed to hold a committee meeting regarding Substitute Senate Bill No. 2967 immediately upon adjournment today.

Mr. Amen spoke in favor of the motion.

POINT OF ORDER

Mr. Charette: "The rules provide that certain duties shall be given to the chairman of a committee and they do not provide that the body may direct the chairman. It would seem to me that if Representative Amen wanted to go in this fashion he should give us notice of amendment to the rules rather than make a motion to instruct a chairman to have a committee meeting."

MOTIONS

On motion of Mr. Thompson, the motion by Mr. Amen was laid on the table.

On motion of Mr. Thompson, the House adjourned until 11:00 a.m., Tuesday, March 16, 1976.

JOHN L. O'BRIEN, Speaker Pro Tem.

DEAN R. FOSTER, Chief Clerk.

SEVENTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, March 16, 1976.

The House was called to order at 11:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bausch, Kuehnle, Leckenby, Lee, Morgen, Perry, Sawyer and Seeberger. Representatives Bausch, Kuehnle, Leckenby, Lee, Morgen and Seeberger were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tammy Wallace and Paul Simmons. Prayer was offered by the Reverend David Kratz of the United Churches of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE GOVERNOR

March 13, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise that on March 13, 1976, Governor Evans approved the following House Bills, entitled:

HOUSE BILL NO. 1311: Removing department of revenue mandatory audit requirement of the work of county assessors.

HOUSE BILL NO. 1340: Making lesser traffic law violations noncriminal offenses.

HOUSE BILL NO. 1342: Establishing procedures for payment of costs by convicted criminal defendants.

Sincerely,
CHI-DOOH LI, Legal Counsel.

March 15, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise that on March 15, 1976, Governor Evans approved the following House Bills, entitled:

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.

SUBSTITUTE HOUSE BILL NO. 1345: Providing for a priority program of education.

SUBSTITUTE HOUSE BILL NO. 1612: Authorizing local governments to adopt certain rules by reference.

Sincerely,
CHI-DOOH LI, Legal Counsel.

MESSAGE FROM THE SENATE

March 15, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1343,

HOUSE BILL NO. 1364,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1544.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 58, by Representatives Parker, Pardini, Fortson, Newhouse, North, Juelling, Hansen, Flanagan, Knowles, Amen, Berentson, Bausch, Zimmerman, Gallagher, Brown, Jastad, Curtis, Ceccarelli, Leckenby, Whiteside, Hansey, Nelson, Peterson, Hendricks, Greengo, Paris, Dunlap, Freeman, Matthews, Barnes, Lee, Bond, Haley and Hayner:

Suspending legislators' per diem.

MOTION

Mr. Pardini moved that the rules be suspended, and House Concurrent Resolution No. 58 be advanced to second reading and read the second time in full.

Mr. Pardini spoke in favor of the motion, and Mr. Thompson spoke against it.

The motion was lost.

House Concurrent Resolution No. 58 was passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE

March 16, 1976

SUBSTITUTE SENATE BILL NO. 3127, Prime Sponsor: Senator Gould, setting forth new procedure for preparation of school district budgets. Reported by Committee on Education.

MAJORITY recommendation: Do pass. Signed by Representatives Clemente, Vice Chairman; Barnes, Bender, Brown, Dunlap, Ehlers, Fortson, Gaspard, Haley, Hayner, Hendricks, Whiteside.

To Committee on Rules for second reading.

SENATE AMENDMENT TO HOUSE BILL

March 16, 1976

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1316 with the following amendment:

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 but shall avoid duplication of services.

(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 agencies 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.

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.

NEW SECTION. Sec. 5. The services provided in section 4 of this act may be provided to nonlow income eligible persons: **PROVIDED**, That volunteer workers and public assistant 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. 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), or its successor agency, 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. 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 one million nine hundred thousand dollars, 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. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Adams, the House did not concur in the Senate amendment to Engrossed Second Substitute House Bill No. 1316, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker Pro Tem appointed Representatives Adams, Shinpoch and Freeman as conferees on Engrossed Second Substitute House Bill No. 1316.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3097, by Committee on State Government (Originally sponsored by Senator Lewis, Harry):

Requiring consideration of economic factors resulting from government decisions.

The bill was read the second time.

Committee on State Government recommendation: Majority, do pass as amended. (For amendments, see Journal, Seventy-first Day, 2nd ex. sess., March 15, 1976.)

On motion of Ms. Sommers, the committee amendment to page 1, line 7 was adopted.

Ms. Sommers moved adoption of the committee amendment to page 1, line 9.

Mr. Douthwaite moved adoption of the following amendment to the committee amendment:

On page 1, lines 3 and 4 of the committee amendment, strike "and local governmental entities"

Representatives Douthwaite, Valle, Haussler and Hurlley (Margaret) spoke in favor of the amendment to the committee amendment, and Representatives Newhouse, Pardini and Eikenberry spoke against it.

MOTION

Mr. Moon moved that Engrossed Substitute Senate Bill No. 3097 be rereferred to Committee on Local Government.

Representatives Moon and Douthwaite spoke in favor of the motion, and Representatives Pardini, Polk and Greengo spoke against it.

ROLL CALL

The Clerk called the roll on the motion to rerefer Engrossed Substitute Senate Bill No. 3097 to the Committee on Local Government, and the motion was lost by the following vote: Yeas, 22; nays, 66; not voting, 10.

Voting yea: Representatives Becker, Charette, Charnley, Cochrane, Conner, Douthwaite, Haussler, Hawkins, Jastad, King, Laughlin, Lux, Lysen, Maxie, McKibbin, Moon, Osterman, Sherman, Shinpoch, Sommers, Valle, Williams.

Voting nay: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Clemente, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Jueling, Kalich, Kilbury, Martinis, Matthews, May, McCormick, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Smith R., Thompson, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bausch, Knowles, Kuehnle, Leckenby, Lee, Morgen, Perry, Sawyer, Seeburger, Smith E. P.

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Douthwaite to the committee amendment.

POINT OF INQUIRY

Mr. Newhouse yielded to question by Mr. Randall.

Mr. Randall: "Can you give us any idea of what kind of costs we are now going to put out to local government without giving them the adequate funds to meet costs?"

Mr. Newhouse: "My answer to you would be that the costs of figuring out an economic impact would be so much less than the ridiculous cost of filling out the environmental impact statements of so many of these projects, that there would be no comparison."

Representatives Becker and Haussler spoke in favor of the amendment to the committee amendment, and Mr. Schumaker spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Douthwaite to the committee amendment to Engrossed Substitute Senate Bill No. 3097, and the amendment was not adopted by the following vote: Yeas, 27; nays, 60; not voting, 11.

Voting yea: Representatives Becker, Boldt, Charette, Charnley, Cochrane, Conner, Douthwaite, Eng, Erickson, Gaspard, Hanna, Haussler, Hawkins, Kilbury, King, Lux, Lysen, Maxie, McKibbin, Moon, Osterman, Randall, Sherman, Shinpoch, Sommers, Valle, Williams.

Voting nay: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bender, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Clemente, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Laughlin, Martinis, Matthews, May, McCormick, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Parker, Patterson, Peterson, Polk, Schumaker, Smith R., Thompson, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bausch, Knowles, Kuehnle, Leckenby, Lee, Morgen, Paris, Perry, Sawyer, Seeburger, Smith E. P.

Mr. Charette moved adoption of the following amendment by Representatives Charette and Zimmerman to the committee amendment:

After "Sec. 2." and before "All state" insert "(1)"; and following the last line of the amendment to line 9 insert the following new subsection:

"(2) The determination of (a) the degree to which the methods and procedures adopted pursuant to subsection (1) of this section insure the 'appropriate consideration' of economic values, and (b) the adequacy of any consideration of economic values or factors, shall be exclusively reserved as a matter of discretion to the state agency or local government entity involved, and shall not be subject to challenge in any court."

Mr. Charette spoke in favor of the amendment to the amendment.

POINT OF INQUIRY

Mr. Charette yielded to question by Mr. Newhouse.

Mr. Newhouse: "This would seem, in your amendment, to imply in reference only to the consideration of economic values. Can I ask why you did not use the same for environmental impact statements?"

Mr. Charette: "If you are referring to the Shoreline Management Act as far as environmental statements are concerned, I would remind you that with the local administration of either city or county as part of the Shoreline Management Act is concerned, that was passed by the people of our state, passed on by the legislature. I think that if you have the economic impact then you have the comparison of the environmental against the economic."

Mr. Newhouse spoke in opposition to the amendment to the committee amendment, and Mr. Zimmerman spoke in favor of it.

Mr. Charnley demanded an electric roll call and the demand was sustained.

Mr. Eikenberry spoke against the amendment to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Charette and Zimmerman to the committee amendment, and the amendment was not adopted by the following vote: Yeas, 36; nays, 51; not voting, 11.

Voting yea: Representatives Becker, Bender, Blair, Boldt, Brown, Charette, Charnley, Cochrane, Conner, Douthwaite, Eng, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Jastad, Kilbury, King, Laughlin, Lux, Lysen, Maxie, McKibbin, Moon, Osterman, Randall, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams, Zimmerman.

Voting nay: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Berentson, Bond, Ceccarelli, Chandler, Clemente, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Fischer, Flanagan, Fortson, Freeman, Gaines, Gilleland, Greengo, Haley, Hansen, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Juelling, Kalich, Martinis, Matthews, May, McCormick, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Parker, Patterson, Peterson, Polk, Schumaker, Tilly, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Bausch, Erickson, Knowles, Kuehnle, Leckenby, Lee, Morgen, Paris, Perry, Sawyer, Seeberger.

The committee amendment was adopted.

On motion of Ms. Sommers, the committee amendments to page 1, striking section 4 and page 2, line 3 were adopted.

The Clerk read the following amendment by Representative Douthwaite:
On page 1, line 8 after "state" strike "and local"

With the consent of the House, Mr. Douthwaite withdrew the amendment.

The Clerk read the following amendment by Representatives Moreau, Pardini and Boldt:
On page 1, line 10 after "rules" strike the comma and insert "and" and after "regulations" strike ", and administrative procedures"

With the consent of the House, Mr. Moreau withdrew the amendment.

Ms. Becker moved adoption of the following amendment:
On page 1, line 27 strike all of section 5 and renumber the remaining sections consecutively.

Ms. Becker spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Becker to Engrossed Substitute Senate Bill No. 3097, and the amendment was adopted by the following vote: Yeas, 62; nays, 25; not voting, 12.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Becker, Bender, Blair, Boldt, Bond, Ceccarelli, Charette, Charnley, Cochrane, Conner, Deccio, Douthwaite, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Fortson, Gaspard, Haley, Hanna, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kilbury, King, Lux, Lysen, Matthews, Maxie, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Patterson, Peterson, Randall, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bauer, Berentson, Brown, Chandler, Clemente, Curtis, Dunlap, Fischer, Freeman, Gaines, Gallagher, Gilleland, Greengo, Hansen, Hansey, Hayner, Hendricks, Juelling, Laughlin, Martinis, May, Parker, Polk, Schumaker.

Not voting: Representatives Bausch, Kalich, Knowles, Kuehnle, Leckenby, Lee, Morgen, Paris, Perry, Sawyer, Seeberger, Valle.

MOTION

Mr. Newhouse moved that the rules be suspended, the second reading considered the third, and Engrossed Substitute Senate Bill No. 3097 as amended by the House be placed on final passage.

ROLL CALL

The Clerk called the roll on the motion by Representative Newhouse to suspend the rules and advanced Engrossed Substitute Senate Bill No. 3097 as amended by the House to third reading and final passage, and the motion received the required two-thirds majority by the following vote: Yeas, 62; nays, 26; not voting, 10.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Clemente, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, Laughlin, Martinis, Matthews, May, McCormick, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Parker, Patterson, Peterson, Polk, Schumaker, Smith E. P., Smith R., Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Bauer, Becker, Charette, Charnley, Cochrane, Conner, Douthwaite, Eng, Erickson, Gaspard, Haussler, Hawkins, King, Lux, Lysen, Maxie, McKibbin, Moon, Osterman, Randall, Sherman, Shipoch, Sommers, Thompson, Valle, Williams.

Not voting: Representatives Bausch, Knowles, Kuehnle, Leckenby, Lee, Morgen, Paris, Perry, Sawyer, Seeberger.

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 3097 as amended by the House.

Mr. Douthwaite spoke against passage of the bill.

POINT OF INQUIRY

Ms. Becker asked Mr. Pardini to yield to question, and he refused to yield.

Ms. Becker asked Mr. Newhouse to yield to question, and he refused to yield.

Representatives Zimmerman and Peterson spoke in favor of passage of the bill, and Representatives Becker and Valle spoke against it.

Mr. Bender demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 3097 as amended by the House, and the bill passed the House by the following vote: Yeas, 72; nays, 17; not voting, 9.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Clemente, Cochrane, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, Laughlin, Lysen, Martinis, Matthews, May, McCormick, Moreau, Nelson, Newhouse, North, O'Brien, Pardini, Paris, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Smith E. P., Smith R., Thompson, Tilly, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Voting nay: Representatives Becker, Charnley, Conner, Douthwaite, Gaspard, Haussler, Hawkins, King, Lux, Maxie, McKibbin, Moon, Osterman, Shipoch, Sommers, Valle, Williams.

Not voting: Representatives Bausch, Knowles, Kuehnle, Leckenby, Lee, Morgen, Perry, Sawyer, Seeberger.

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.

POINT OF PERSONAL PRIVILEGE

Mr. Peterson: "If I could indicate, Mr. Speaker, that even though Governor Evans votes in the forty-third district, I have no personal knowledge of what he is going to do on the bill we just passed."

MOTION

On motion of Mr. Thompson, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The House was called to order at 3:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bagnariol, Eng, Hanna, Kalich, Knowles, Kuehnle, Lee, Lysen, Morgen, Perry, Sawyer and Seeberger. Representatives Eng, Kuehnle, Lee, Morgen, Perry, Sawyer and Seeberger were excused.

MOTION

On motion of Mr. Charette, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 76-75, by Representatives Conner, Bender, Charette, Bauer, Thompson, Wojahn, McCormick, Martinis, Gaines and Ceccarelli:

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 House of Representatives 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 House of Representatives 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 chief clerk of the House be and is hereby instructed to forward copies of this resolution to the Veterans of Foreign Wars, Department of Washington, 400 Boren Avenue, Seattle; Washington 98104.

On motion of Mr. Conner, the resolution was adopted.

HOUSE RESOLUTION NO. 76-80, by Representatives Eikenberry, Berentson and Kalich:

WHEREAS, The Washington state ferry system needs to increase the capacity of its fleet to take care of the traffic generated by growing tourism, the Trident base, general population increase, and the increasing number of weekend travelers; and

WHEREAS, The San Mateo vessel could be recommissioned and refurbished to assist in the transportation of people and automobiles across the Sound; and

WHEREAS, The provision of public services requires the greatest economy in every public service provided; and

WHEREAS, Throughout the nation, restoration of earlier transportation modes has not only gained widespread approval from people concerned about retaining a link with our historic tradition, but has resulted in savings to the public as well;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives authorizes the appropriate standing committee to undertake a study of the feasibility of restoring the San Mateo vessel. Such study shall compare the costs of refurbishment of the San Mateo with

the costs of new vessels, and shall consider the views of ferry passengers and the general public in making its recommendations.

BE IT FURTHER RESOLVED, That the House committee shall make recommendations to the 1977 Legislature relating to the future use of the San Mateo.

Mr. Eikenberry moved adoption of the resolution and spoke in favor of it.

Representatives Bausch and Hurley (Margaret) spoke against the resolution.

MOTION

Mr. Newhouse moved that House Resolution No. 76-80 be referred to Committee on Rules.

Mr. Charette spoke in favor of the motion, and Mr. Eikenberry spoke against it.

The motion was carried.

HOUSE RESOLUTION NO. 76-83, by Representatives Douthwaite, Charette, Conner, Fortson, Wojahn, McCormick, Adams, Gaspard, Becker, Osterman, Blair, Leckenby, Valle, Hawkins, Haley, Ehlers, Greengo, Thompson, Peterson, Zimmerman and Parker:

WHEREAS, The killer whale is one of Washington state's most significant marine mammals; and

WHEREAS, Many people travel from throughout the world to observe the killer whale in its native habitats including Puget Sound; and

WHEREAS, Recent studies may indicate a decline in killer whale populations in Puget Sound;

NOW THEREFORE, The House of Representatives urges the immediate designation of Puget Sound as a National Marine Mammal Sanctuary; and

That there be an immediate moratorium on the issuance of marine mammal hunting permits to hunt marine mammals within Puget Sound; and

BE IT RESOLVED, That copies of this floor resolution be immediately transmitted by the Secretary of State to the Honorable Gerald R. Ford, President of the United States, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

Mr. Douthwaite moved adoption of the resolution.

Mr. Tilly moved adoption of the following amendment to the resolution:

Strike lines 8, 9 and 10 and insert "moratorium on the issuance of further marine mammal capture permits for display purposes within Puget Sound until additional scientific data is obtained through research;"

Mr. Tilly spoke in favor of the amendment.

MOTION

Mr. Pardini moved that the House adjourn until noon Friday, March 19, 1976.

The motion was lost.

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Tilly to House Resolution No. 76-83.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Tilly to House Resolution No. 76-83, and the amendment was adopted by the following vote: Yeas, 47; nays, 33; not voting, 18.

Voting yea: Representatives Adams, Barnes, Bauer, Blair, Boldt, Bond, Ceccarelli, Chandler, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Flanagan, Freeman, Gaines, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Hurley M., Juelling, Kilbury, Lux, Martinis, Matthews, McCormick, McKibbin, Moreau, Nelson, O'Brien, Pardini, Paris, Patterson, Peterson, Polk, Schumaker, Shinpoch, Tilly, Whiteside, Williams, Wojahn, Zimmerman.

Voting nay: Representatives Bausch, Becker, Bender, Brown, Charette, Charnley, Clemente, Cochrane, Erickson, Fischer, Fortson, Gallagher, Gaspard, Hansen, Haussler, Hawkins, Hurley G. S., Jastad, King, Laughlin, Leckenby, Maxie, May, North, Osterman, Parker, Randall, Sherman, Smith E. P., Sommers, Thompson, Valle, Warnke.

Not voting: Representatives Amen, Bagnariol, Berentson, Eng, Hanna, Kalich, Knowles, Kuehnle, Lee, Lysen, Moon, Morgen, Newhouse, Perry, Sawyer, Seeberger, Smith R., Wilson.

Mr. Douthwaite moved adoption of the following amendment by Representatives Douthwaite and Martinis to House Resolution No. 76-83:

At the end of the resolution add the following language "and
BE IT FURTHER RESOLVED, That the House Committee on Natural Resources conduct a study of the management of killer whales within Puget Sound and report to the 1977 Legislature."

Mr. Douthwaite spoke in favor of the amendment.

Representatives Martinis and Tilly spoke in favor of the amendment, and it was adopted.

MOTION

Mr. Newhouse moved that House Resolution No. 76-83 be referred to Committee on Rules.

Mr. Peterson spoke against the motion.

POINT OF INQUIRY

Mr. Charette yielded to question by Mr. Wilson.

Mr. Wilson: "We seem to be very, very concerned about the welfare of the killer whale and we're very sensitive to his problems here. My inquiry is, has any faint consideration been given to the many other denizens of the Sound that are prey to this mammal?"

Mr. Charette: "If you are referring to the salmon, which are the main product, I don't think we have made a problem. The salmon that enter the Sound to go up one of the rivers to spawn are certainly subjected to all of the people and everything they dump into the waters; we have given study to that particular marine life and many others. It would seem to me that it is important that we consider all and I would certainly hope that there will be enough salmon left for the whales to exist."

Representatives Eikenberry and Zimmerman spoke in favor of the motion to refer the resolution to Rules Committee, and Mr. Hurley (George) spoke against it.

MOTION FOR RECONSIDERATION

Mr. Martinis, having voted on the prevailing side, moved that the House reconsider the vote by which the amendment by Representatives Douthwaite and Martinis was adopted.

The motion was carried.

Mr. Martinis spoke against adoption of the amendment.

The amendment was not adopted.

The Speaker Pro Tem stated the question before the House to be the motion by Representative Newhouse that House Resolution No. 76-83 be referred to Committee on Rules.

Mr. Douthwaite spoke against the motion, and it was lost.

House Resolution No. 76-83 as amended was adopted.

HOUSE RESOLUTION NO. 76-84, by Representatives Zimmerman, Bauer, Freeman, Curtis, McKibbin, Pardini, Osterman and McCormick:

WHEREAS, The volunteers of Washington state are estimated to contribute more than one billion dollars worth of services annually to the communities and citizens of our state; and

WHEREAS, Volunteering provides opportunities for personal growth, career exploration and civic contribution for every citizen; and

WHEREAS, State agencies and local units of government increasingly recognize the value of the involvement of volunteers in partnership for developing programs to meet the needs of citizens and in the enhanced operation of those programs; and

WHEREAS, Private service agencies find volunteers essential to their functioning effectively; and

WHEREAS, There is increasing interest in citizen participation and volunteer activity parallel to the return of program authority and direction to the local level;

NOW, THEREFORE, BE IT RESOLVED That the House of Representatives of the state of Washington

COMMENDS the volunteers of Washington state for their dedication and service,

SEEKS the expansion and increased effectiveness of programs in which volunteers are active,

URGES the involvement of volunteers wherever appropriate in the programs of state agencies, units of local government, private non-profit agencies, and other private service organization, and

DECLARES the week of May 16 to 23, 1976, to be VOLUNTEER WEEK 1976.

On motion of Mr. Zimmerman, the resolution was adopted.

MOTIONS

Mr. Thompson moved that the House adjourn until 11:00 a.m., Wednesday, March 17, 1976.

Mr. Pardini moved that the Thompson motion be amended to adjourn until 11:00 a.m., Friday, March 19, 1976.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "The motion to adjourn is not amendable; therefore your motion is out of order."

The motion to adjourn to 11:00 a.m., Wednesday, March 17, 1976 was carried.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SEVENTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, March 17, 1976.

The House was called to order at 11:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Clemente, Gilleland, Kuehnle, Lee, Matthews, Parker, Perry, Sawyer, Seeberger and Smith (Rick). Representatives Gilleland, Kuehnle, Lee, Matthews and Parker were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mollie Mace and Shannon Lyle. Prayer was offered by Father William Treacy of St. Michael's Catholic Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 16, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1316, and the President has appointed as said conferees: Senators Day, Cunningham, von Reichbauer.

Sidney R. Snyder, Secretary.

March 16, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1544,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 16, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1624, and the President has appointed as conferees thereon: Senators Donohue, Newschwander, Odegaard.

Sidney R. Snyder, Secretary.

SENATE AMENDMENT TO HOUSE BILL

March 16, 1976

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1272 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"

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Ms. Sherman, the House concurred in the Senate amendment to House Bill No. 1272.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem declared the question before the House to be final passage of House Bill No. 1272 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1272 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 74; nays, 1; not voting, 23.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Charette, Charnley, Cochran, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Hanna, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Kilbury, Knowles, Laughlin, Leckenby, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Schumaker, Sherman, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Zimmerman.

Voting nay: Representative Haley.

Not voting: Representatives Bagnariol, Bond, Chandler, Clemente, Gilleland, Hansen, King, Kuehnle, Lee, Lux, Matthews, Parker, Perry, Peterson, Polk, Randall, Sawyer, Seeberger, Shinpoch, Smith R., Tilly, Whiteside, Wojahn.

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.

STATEMENT FOR THE JOURNAL

I wish the record to show that I wished to vote "Yea" on House Bill No. 1272 as amended by the Senate.

TED HALEY, 28th District.

MOTION

On motion of Mr. Thompson, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3127, by Committee on Education (Originally sponsored by Senators Gould, Wilson and Mardesich):

Setting forth new procedure for preparation of school district budgets.

The bill was read the second time.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 3127 was placed on final passage.

Mr. Bauer spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Bauer yielded to question by Mr. Eikenberry.

Mr. Eikenberry: "I note from the digest that one of the things this bill will address is the encouragement of school districts to distribute and circulate budgets among interested citizen groups of the general public and interested people in the school system, and I'm wondering if you could indicate the intent of this legislature in passing such a direction and encouragement to the school board, and whether or not we might have gone further. Or was there some policy not to go any further in directing them to communicate these budgets to the people?"

Mr. Bauer: "I think it is common practice for the school districts currently to encourage patrons to come in and partake of the hearing process. Since we are talking about a final budget now and a more realistic budget, a budget based on inputs now that are available to us, it is more likely that the public will take a lot more interest in a final budget than they did earlier in the preliminary budget."

Mr. Eikenberry: "I guess the real point I'm after is, could we have done more, do you believe, or is this all, as a matter of practicality, that we can do in getting the significant parts of the budget to the public?"

Mr. Bauer: "I suppose we could go further if we wanted to go into costs of mailing, etc., but I think this is a responsible direction and reasonable."

Mrs. Hayner spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3127, and the bill passed the House with the following vote: Yeas, 84; nays, 0; not voting, 14.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charnley, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Polk, Randall, Schumaker, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bond, Clemente, Gilleland, Kuehnle, Lee, Matthews, Parker, Perry, Peterson, Sawyer, Seeberger, Smith R., Tilly, Whiteside.

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.

MOTION

On motion of Mr. Thompson, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The House was called to order at 3:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bagnariol, Berentson, Bond, Dunlap, Gilleland, Greengo, Hayner, Kuehnle, Leckenby, Lee, Matthews, Polk and Tilly. Representatives Bagnariol, Bond, Dunlap, Gilleland; Greengo, Hayner, Kuehnle, Leckenby, Lee, Matthews, Polk and Tilly were excused.

MOTION

On motion of Mr. Thompson, the House adjourned until 11:00 a.m., Thursday, March 18, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SEVENTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, March 18, 1976.

The House was called to order at 11:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bausch, Brown, Kuehnle, Leckenby, Lee, Martinis, Matthews, Moon, Morgen, Parker, Perry, Smith (Rick) and Williams. Representatives Brown, Kuehnle, Leckenby, Lee, Matthews and Morgen were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Gail Barker and Jim Warberg. Prayer was offered by the Reverend David Kratz of the United Churches of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 17, 1976

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 54,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

March 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 2963, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

March 17, 1976

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3097, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

March 17, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 3127,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

HOUSE BILL NO. 1272,
HOUSE CONCURRENT RESOLUTION NO. 54,
SUBSTITUTE SENATE BILL NO. 3127.

MESSAGES FROM THE SENATE

March 18, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 2963,
SUBSTITUTE SENATE BILL NO. 3097,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 17, 1976

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 77 with its amendments to: Page 1, line 23, page 10, line 2 and page 10, line 7 and has recessed from its amendment to page 5, line 17, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Substitute House Bill No. 77 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 77 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; nays, 0; not voting, 16.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Becker, Bender, Berentson, Blair, Boldt, Bond, Ceccarelli, Chandler, Charette, Charney, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Lux, Lysen, Maxie, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Wilson, Wojahn, Zimmerman.

Not voting: Representatives Bausch, Brown, Eng, Gilleland, Kuehnle, Laughlin, Leckenby, Lee, Martinis, Matthews, Moon, Morgen, Parker, Perry, Smith R., Williams.

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.

STATEMENT FOR THE JOURNAL

I wish the record to show my vote as "Yes" on Substitute House Bill No. 77 as amended by the Senate.

JAMES E. GILLELAND, 48th District.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Kuehnle, Leckenby, Lee, Martinis, Matthews, Morgen, Perry, Smith (Edward), Smith (Rick) and Williams. Representatives Kuehnle, Morgen, Smith (Edward) and Williams were excused.

MESSAGE FROM THE SENATE

March 17, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE JOINT RESOLUTION NO. 136,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

 SUBSTITUTE HOUSE BILL NO. 77,
 SUBSTITUTE SENATE BILL NO. 2963,
 SUBSTITUTE SENATE BILL NO. 3097.

INTRODUCTION AND FIRST READING

ENGROSSED 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.

To Committee on Ways and Means – Revenue

MOTION

On motion of Mr. Thompson, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 76–90, by Representatives Thompson and Newhouse:

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 House of Representatives 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; and

WHEREAS, The study and operation of the legislative procedures and the improvement of the legislative process is a continuing activity, which should be conducted during legislative sessions and the interim between sessions;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, that there is hereby created the Executive Rules Committee, which shall be chaired by the Speaker Pro Tem and which shall consist of the Speaker Pro Tem and four additional members with two alternate members, all of whom shall be appointed by the Speaker Pro Tem. No more than three of the members and one of the alternate members may be from the same political party.

BE IT FURTHER RESOLVED, That the Executive Rules Committee shall be responsible for the administration, the continued improvement, and the operation of the House of Representatives and shall be authorized to allocate such funds, make such appointments, hire such staff, and do all such other things as are necessary to carry on the activities and functions of the House of Representatives in an expeditious and orderly manner; and

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives shall be the nonvoting secretary of the committee and that the committee shall direct the Clerk of the House to make and execute with the chairman of the committee the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That, with the approval of the Executive Rules Committee, the Speaker Pro Tem and the Chief Clerk be authorized and directed to make out the necessary vouchers upon which warrants shall be drawn for the final payment of all expenses in connection with the closing business and for any other business of the House of Representatives; and

BE IT FURTHER RESOLVED, That the State Treasurer be, and is hereby directed to draw his warrants for the payment of salaries, per diems, in lieu payments, and reimbursements of and to the members of the House of Representatives, the elected officers of the House of Representatives, and the retained employees each month upon vouchers signed by the members, officers, or employees and approved by the Speaker Pro Tem and by the Chief Clerk of the House of Representatives, and he is authorized to deliver the warrants to the Chief Clerk of the House of Representatives for delivery or mailing to those entitled thereto; and

BE IT FURTHER RESOLVED, That, with the approval of the Executive Rules Committee, the Speaker Pro Tem may authorize the attendance of members and staff members at

such courses or meetings as he may deem pertinent and may authorize the expenditure of registration or tuition fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members of the Legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the per diem rate provided by RCW 44.04.120, plus mileage to and from the conferences, meetings, and courses at the rate of thirteen cents per mile, except that if travel was by means of common carrier then only actual fare may be claimed, said reimbursement to be paid on their vouchers from any appropriation made to the House of Representatives for legislative expense; and

BE IT FURTHER RESOLVED, That employees of the legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 43.03.050, plus mileage to and from the conferences, meetings, and courses at the rate of thirteen cents per mile, except that if travel was by means of common carrier then only actual fare may be claimed, said reimbursement to be paid on their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That, with the approval of the Executive Rules Committee, the Speaker Pro Tem and the Chief Clerk be authorized to approve vouchers of the members of the House, covering expenses incurred during the interim for official business of the legislature or in preparation for the sessions of the Legislature and organizational duties in connection therewith, at the per diem rate provided by RCW 44.04.120, for each day or major portion thereof, plus mileage at the rate of thirteen cents per mile; and

BE IT FURTHER RESOLVED, That the Sergeant-at-Arms be and is hereby authorized and directed, during the interim to prepare the House chambers, committee rooms, and members' offices for use, and to perform other necessary work in connection with the interim; and

BE IT FURTHER RESOLVED, That after the adjournment of the Second Extraordinary Session of the Forty-fourth Legislature the use of the House Chamber, any of its committee rooms, members' offices, or any of the furniture or furnishings therein, shall not be granted to anyone without the permission of the Speaker Pro Tem and the Chief Clerk of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized to express the sympathy of the House by sending flowers in the event of a bereavement in a Representative's or Senator's family and to make out the necessary vouchers upon which warrants for the foregoing expenses and expenditures shall be drawn.

Mr. Thompson moved adoption of the resolution.

Mr. Charette moved adoption of the following amendment to the resolution:

On page 1, line 16 after "be" strike all material down to and including the period on line 17 and insert "selected by Rules Committee."

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Thompson, the House adjourned until 11:00 a.m. Friday, March 19, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SEVENTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, March 19, 1976.

The House was called to order at 11:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Fischer, Kuehnle, Moreau, Morgen, Perry, Seeberger and Smith (Rick). Representatives Fischer, Kuehnle, Moreau and Morgen were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kittie Wyne and Grant Smith. Prayer was offered by the Reverend David Kratz of the United Churches of Olympia.

The House stood for one minute in silent tribute to the memory of State Patrolman Lieutenant J.R. Kelley.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 18, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 77,

HOUSE BILL NO. 1272,

HOUSE CONCURRENT RESOLUTION NO. 54,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 18, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1355,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

HOUSE BILL NO. 1355.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Thompson, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 76-90:

The House resumed consideration of the resolution. (For previous action, see yesterday's Journal.)

The Speaker Pro Tem stated the question before the House to be the amendment by Representative Charette to page 1, line 16.

With the consent of the House, Mr. Charette withdrew the amendment.

Mr. Thompson moved adoption of the following amendments to the resolution:

On page 1, line 15 strike "four" and insert "six" and strike "with two alternate members"

On line 17 strike "three" and insert "four" and strike "and one of the alternate members"

Mr. Thompson spoke in favor of the amendments.

Mr. Eikenberry demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Clemente, Fischer, Kuehnle, Moreau, Morgen, Perry, Seeberger and Smith (Rick).

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

The Speaker Pro Tem stated the question before the House to be the amendments by Representative Thompson to House Resolution No. 75-90.

Representatives Pardini and Newhouse spoke in favor of the amendments, and they were adopted.

House Resolution No. 75-90 as amended was adopted.

INTERIM COMMITTEE APPOINTMENTS

In compliance with House Resolution No. 75-90, the Speaker Pro Tem appointed Representatives Thompson, Conner, May, Newhouse, Berentson and Pardini as members of the Executive Rules Committee.

MOTION

Mr. Eikenberry moved that the House immediately consider a floor resolution sponsored by Representatives Eikenberry and Pardini.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "That would require a suspension of the rules. Rule 19 states in part, 'Floor' resolutions shall be on file with the chief clerk for at least 12 hours prior to being read, and shall not be voted thereon until the next working day after introduction."

MOTION

Representative Pardini moved that the rules be suspended to allow consideration of the floor resolution sponsored by Representatives Eikenberry and Pardini.

Mr. Curtis spoke in favor of the motion, and Mr. Thompson spoke against it.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "Inasmuch as this vote before us has great significance, and after weighing the arguments on both sides, is it possible to get a report from the conferees as to what progress has been made on the budget and the tax measures which are before us so that we may weigh that in our decision as to whether we want to vote for this or not?"

The Speaker Pro Tem: "It appears to the Speaker, Representative Pardini, that you are fully aware of the complexities involved between a balanced budget, raising revenue and approving a budget, and the conferees are attempting to work out a reasonable solution to this very important problem. We are working on it, that's all I can tell you."

Mr. Pardini: "Can you tell me the last day on which the conferees met?"

The Speaker Pro Tem: "Representative Pardini, that isn't a parliamentary inquiry."

ROLL CALL

The Clerk called the roll on the motion to suspend the rules for consideration of a floor resolution by Representatives Eikenberry and Pardini, and the motion was lost by the following vote: Yeas, 37; nays, 53; not voting, 8.

Voting yea: Representatives Amen, Barnes, Berentson, Blair, Bond, Brown, Chandler, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Freeman, Gilleland, Greengo, Haley, Hansey, Hayner, Hendricks, Juelling, Laughlin, Leckenby, Lee, Matthews, Nelson, Newhouse, Pardini, Paris, Parker, Patterson, Peterson, Polk, Schumaker, Tilly, Whiteside, Wilson, Zimmerman.

Voting nay: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Ceccarelli, Charette, Charnley, Cochran, Conner, Douthwaite, Ehlers, Eng, Erickson, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King,

Knowles, Lux, Lysen, Martinis, Maxie, May, McCormick, McKibbin, Moon, North, O'Brien, Osterman, Randall, Sawyer, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.
 Not voting: Representatives Clemente, Fischer, Kuehnle, Moreau, Morgen, Perry, Seeberger, Smith R.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House was called to order at 2:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Boldt, Brown, Douthwaite, Fischer, Haley, Hanna, Kalich, King, Kuehnle, Morgen, Paris, Perry, Seeberger and Smith (Rick). Representatives Kuehnle, Morgen, Paris, Perry and Seeberger were excused.

MESSAGES FROM THE SENATE

March 19, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1355,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 19, 1976

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 3226,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

SENATE AMENDMENTS TO HOUSE BILL

March 18, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1505 with the following amendments:

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"

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 section consecutively.
 and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Randall, the House concurred in the Senate amendments to Engrossed House Bill No. 1505.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Bill No. 1505 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1505 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; nays, 1; not voting, 14.

Voting yea: Representatives Adams, Amen, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Bond, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Jueling, Kilbury, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, May, McCormick, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Patterson, Peterson, Polk, Randall, Sawyer, Schumaker, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Bagnariol.

Not voting: Representatives Boldt, Brown, Fischer, Hanna, Kalich, King, Kuehnl, Maxie, Moon, Morgen, Paris, Perry, Seeberger, Smith R.

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.

MOTION

Mr. Thompson moved that HOUSE JOINT RESOLUTION NO. 85 be rereferred from Committee on Rules to Committee on Ways and Means.

POINT OF INQUIRY

Mr. Thompson yielded to question by Mr. Pardini.

Mr. Pardini: "Obviously the motion has some intent behind it; it's a title only constitutional amendment. What do you intend to add to it, Representative Thompson?"

Mr. Thompson: "My intent would depend on what the Ways and Means Committee may decide. Several have measures relating to constitutional tax reform in the Ways and Means Committee and the availability of this title would permit this committee, possibly, to combine some of the elements of those measures."

Mr. Pardini: "Is this a title that would be adaptable to an income tax proposition?"

Mr. Thompson: "I believe it would."

The motion was carried.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 59, by Representatives Newhouse, Dunlap, Eikenberry, Deccio, Haley, Hayner, Hansen, Freeman, Berentson, Curtis, Wilson and Patterson:

Suspending the legislative session one week.

To Committee on Rules

SUBSTITUTE SENATE BILL NO. 3226, by Committee on Education (Originally sponsored by Senator Gould):

Relating to education.

MOTION

On motion of Mr. Thompson, the rules were suspended and Substitute Senate Bill No. 3226 was advanced to second reading and read the second time in full.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Substitute Senate Bill No. 3226 was placed on final passage.

Mr. Bauer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3226, and the bill passed the House by the following vote: Yeas, 81; nays, 0; not voting, 17.

Voting yea: Representatives Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Bond, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard,

Gilleland, Greengo, Haley, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kilbury, Knowles, Laughlin, Leckenby, Lee, Lux, Lysen, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Patterson, Peterson, Polk, Randall, Schumaker, Sherman, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wojahn, Zimmerman.

Not voting: Representatives Adams, Boldt, Brown, Douthwaite, Fischer, Hanna, Kalich, King, Kuehne, Martinis, Morgen, Paris, Perry, Sawyer, Seeburger, Smith R., Wilson.

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.

REPORT OF STANDING COMMITTEE

March 19, 1976

ENGROSSED SUBSTITUTE SENATE BILL NO. 2778, Prime Sponsor: Senator Donohue, relating to revenue and taxation. Reported by Committee on Ways and Means.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 5 strike everything after the enacting clause and insert the following:

***NEW SECTION.** Section 1. 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. 2. 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 3 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 3(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 3(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. 3. (1) Each levy proposal submitted to the voters for approval, to be eligible for supplemental payments of state funds as set forth in section 2 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 shall be held on or before May 25, 1976: **AND PROVIDED FURTHER,** That nothing contained in sections 1 through 5 of 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, then:

(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 RCW 84.52.052 as now or hereafter amended, such district shall receive the supplemental amount computed in the manner set forth in section 2 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 RCW 84.52.052 as now or hereafter amended, such district is authorized to levy in 1976 no amount greater than the aggregate total levy amount authorized by RCW 84.52.052 as now or hereafter amended, and thereafter, such district shall receive the supplemental amount computed in the manner set forth in section 2 of this 1976 amendatory act.

NEW SECTION. Sec. 4. 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 2 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. 5. The superintendent of public instruction shall compute the entitlement of each school district for payments under the terms of sections 1 through 5 of this 1976 amendatory act and apportion such amount from moneys appropriated by the legislature over the school program year in which the property taxes authorized pursuant to section 3 of this 1976 amendatory act are first payable.

Sec. 6. 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 April 1, 1976, until and including June 30, 1979, the tax imposed by this section shall be equal to four and eight-tenths percent of the selling price, and after June 30, 1979, the rate of tax shall revert to four and one-half percent of the selling price. The tax imposed under this chapter shall apply to successive retail sales of the same property.

Sec. 7. 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 April 1, 1976, until and including June 30, 1979, the tax imposed by this section shall be equal to the value of the article used by the taxpayer multiplied by the rate of four and eight-tenths percent, and after June 30, 1979, the rate of tax shall revert to four and one-half percent.

Sec. 8. 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:

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. 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: PROVIDED, That 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:

(1) 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

(2) 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.

A special election may be called and the time therefor fixed by the board of county commissioners or other county legislative authority, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth, and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city, or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition 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".

Sec. 9. 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)) ten 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 any school district pursuant to RCW 84.52.052, as now or hereafter amended, 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)) ten 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 any school district pursuant to RCW 84.52.052, as now or hereafter amended, 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)) ten percent per annum shall be charged upon said remainder from the date of delinquency until paid. All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale for delinquent taxes without regard to budget limitations.

Sec. 10. 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 are each amended to read as follows:

On the first day of each month the county treasurer shall distribute pro rata, according to the rate of levy for each fund, the amount collected as consolidated tax during the preceding month, and shall certify the same to the county auditor: PROVIDED, HOWEVER, That the county treasurer, at his option, may distribute the total amount of such taxes collected according to the ratio that the levy of taxes made for each taxing district in the county bears to such total amount collected. On or before the tenth day of each month the county treasurer shall turn over to the respective city treasurers the cities' pro rata share of all taxes collected for the previous month and take receipts therefor in duplicate, and shall certify to the city comptroller or other accounting officer of each such city the amount of such taxes so collected and turned over, and shall deliver with such certificate one copy of the receipt of the city treasurer therefor. Notwithstanding any other provision of this section or other law, the entire amount of any tax levied by any school district pursuant to RCW 84.52.052, as now or hereafter amended, and collected as provided in RCW 84.56.020, as now or hereafter amended, shall be distributed only to such school district.

NEW SECTION. Sec. 11. 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 April 1, 1976, until and including June 30, 1979, 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 RCW 82.04.220 through 82.04.290 and as a temporary increase thereof, a surtax which shall be an additional tax in the amount of eleven percent of the tax payable under this chapter.

NEW SECTION. Sec. 12. There is added to chapter 15, Laws of 1961 and to chapter 82.16 RCW a new section to read as follows:

From and after April 1, 1976, until and including June 30, 1979, there is levied and shall be collected from every person for the act or privilege of engaging within this state in one or more of the businesses named in RCW 82.16.020, as a part of the tax imposed by this chapter and as a temporary increase thereof, a surtax which shall be an additional tax in the amount of eleven percent of the tax payable under this chapter.

NEW SECTION. Sec. 13. The entire amount of the revenue derived from the increase in or additional taxes imposed by sections 6, 7, 11, and 12 of this 1976 amendatory act shall be used for the support of the common schools.

This section shall expire on June 30, 1979.

NEW SECTION. Sec. 14. 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 6, 7, 11, and 12 of this 1976 amendatory act shall take effect on April 1, 1976: **PROVIDED FURTHER**, That sections 9 and 10 of this 1976 amendatory act shall take effect on January 1, 1977.

NEW SECTION. Sec. 15. 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 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; 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; 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; creating new sections; 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; prescribing effective dates; prescribing an expiration date; and declaring an emergency."

Signed by Representatives Bagnariol, Chairman; Shinpoch, Chairman - Appropriations; Randall, Chairman - Revenue; Bauer, Blair, Boldt, Ehlers, Erickson, Gaspard, Hawkins, Hurlley (George), Kilbury, May, McKibbin, Moon, Nelson, North, Smith (Edward), Sommers, Thompson, Valle: .

MOTION

On motion of Mr. Thompson, the rules were suspended, and Engrossed Substitute Senate Bill No. 2778 was advanced to second reading.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

HOUSE BILL NO. 1505.

SECOND READING

ENGROSSED 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 bill was read the second time.

On motion of Mr. Pardini, the following amendment was adopted:

On page 1, line 7 strike "April" and insert "May"

Mr. Randall moved adoption of the committee amendment.

On motion of Mr. Randall, the following amendment to the committee amendment was adopted:

On page 2, line 25 beginning with "and" strike all the matter down to and including "1976" on line 31.

The committee amendment as amended was adopted.

MOTIONS

On motion of Mr. Thompson, further consideration of the bills on today's calendar was deferred, and the bill were ordered held for the calendar of the next working day.

On motion of Mr. Thompson, the House adjourned until 9:30 a.m., Saturday, March 20, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SEVENTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Saturday, March 20, 1976.

The House was called to order at 9:30 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Berentson, Fischer, Haley, Jastad, Juelling, Kilbury, Knowles, Kuehnle, Lee, Lysen, McCormick, Morgen, North, Paris, Perry and Seeberger. Representatives Kuehnle, McCormick, Morgen and Paris were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Wendy Kemp and Jim Davidson. Prayer was offered by the Reverend David Kratz of the United Churches of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

March 19, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1505,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Thompson, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The House was called to order at 2:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Berentson, Deccio, Fischer, Haley, Hurley (George), Hurley (Margaret), Jastad, Juelling, Kalich, Kilbury, Knowles, Kuehnle, Laughlin, Lee, McCormick, Morgen, North, Paris, Perry, Seeberger, Tilly, Williams and Zimmerman. Representatives Deccio, Kuehnle, McCormick, Morgen, Paris and Tilly were excused.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Thompson, the House adjourned until 11:30 a.m., Monday, March 22, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SEVENTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, March 22, 1976.

The House was called to order at 11:30 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Curtis, Freeman, Hayner, Kuehnle, McCormick, Morgen, Nelson, Patterson, Perry, Polk and Tilly. Representatives Curtis, Freeman, Hayner, Kuehnle, McCormick, Morgen, Patterson, Perry and Tilly were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tina Orlob and Lee Ferryman. Prayer was offered by the Reverend David Kratz of the United Churches of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE GOVERNOR

March 19, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise that on March 19, 1976, Governor Evans approved the following House Bills, entitled:

SUBSTITUTE HOUSE BILL NO. 779: Permitting employees of political subdivisions of the state to join the state employees' insurance and health care system.

HOUSE BILL NO. 1441: Authorizing sale of bonds for capital projects for state community colleges.

Sincerely,
CHI-DOOH LI, Legal Counsel.

March 22, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise that on March 20, 1976, Governor Evans approved the following House Bill, entitled:

HOUSE BILL NO. 1313: Creating the Washington Library Networks Revolving Fund.

Sincerely,
CHI-DOOH LI, Legal Counsel.

Mr. Thompson demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Curtis, Freeman, Hayner, Kuehnle, McCormick, Morgen, Nelson, Patterson, Perry and Tilly.

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

MOTIONS

On motion of Mr. Thompson, Representative Sawyer was excused from the Call of the House.

On motion of Mr. Pardini, Representative Gilleland was excused from the Call of the House.

The Speaker Pro Tem declared the House to be at ease.
The Speaker Pro Tem called the House to order.

SECOND READING

ENGROSSED 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 House resumed consideration of the bill on second reading. (For previous action, see Journal for Friday, March 19, 1976.)

On motion of Mr. Randall, the committee amendment to the title was adopted.

On motion of Mr. Charnley, the rules were suspended, the second reading considered the third, and Engrossed Substitute Senate Bill No. 2778 as amended by the House was placed on final passage.

Mr. Thompson demanded an oral roll call and the demand was sustained.

On motion of Mr. Thompson, Ms. Maxie was excused from the Call of the House.

Mr. Randall spoke in favor of passage of the bill, and Mr. Newhouse spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 2778 as amended by the House, and the bill failed to pass the House by the following vote: Yeas, 47; nays, 38; not voting, 13.

Voting yea: Representatives Bagnariol, Barnes, Bauer, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Flanagan, Fortson, Gaspard, Hanna, Hansen, Hawkins, Hurley G. S., Kilbury, King, Laughlin, Lee, Lysen, McKibbin, Moon, North, O'Brien, Osterman, Paris, Peterson, Randall, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams, Zimmerman.

Voting nay: Representatives Adams, Amen, Bausch, Berentson, Bond, Charette, Deccio, Dunlap, Eikenberry, Fischer, Gaines, Gallagher, Greengo, Haley, Hansey, Haussler, Hendricks, Hurley M., Jastad, Juelling, Kalich, Knowles, Leckenby, Lux, Martinis, Matthews, May, Moreau, Newhouse, Pardini, Parker, Polk, Schumaker, Seeberger, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Curtis, Freeman, Gilleland, Hayner, Kuehnle, Maxie, McCormick, Morgen, Nelson, Patterson, Perry, Sawyer, Tilly.

Engrossed Substitute Senate Bill No. 2778 as amended by the House, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Mr. Haussler, having voted on the prevailing side, moved that the House now reconsider the vote by which Engrossed Substitute Senate Bill No. 2778 as amended by the House failed to pass the House.

The motion was carried.

Mr. Thompson demanded an oral roll call and the demand was sustained.

ROLL CALL

The Clerk called the roll on the reconsideration of final passage of Engrossed Substitute Senate Bill No. 2778 as amended by the House, and the bill passed the House by the following vote: Yeas, 52; nays, 33; not voting, 13.

Voting yea: Representatives Bagnariol, Barnes, Bauer, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Flanagan, Fortson, Gaspard, Greengo, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Kilbury, King, Laughlin, Lee, Lux, Lysen, McKibbin, Moon, North, O'Brien, Osterman, Paris, Peterson, Randall, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Williams, Zimmerman.

Voting nay: Representatives Adams, Amen, Bausch, Berentson, Bond, Charette, Deccio, Dunlap, Eikenberry, Gaines, Gallagher, Haley, Hansey, Hurley M., Jastad, Juelling, Kalich, Knowles, Leckenby, Martinis, Matthews, May, Moreau, Newhouse, Pardini, Parker, Polk, Schumaker, Seeberger, Warnke, Whiteside, Wilson, Wojahn.

Not voting: Representatives Curtis, Freeman, Gilleland, Hayner, Kuehnle, Maxie, McCormick, Morgen, Nelson, Patterson, Perry, Sawyer, Tilly.

Engrossed Substitute Senate Bill No. 2778 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 Mr. Thompson, Engrossed Substitute Senate Bill No. 2778 as amended by the House was ordered transmitted immediately to the Senate.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MESSAGE FROM THE SENATE

September 6, 1975

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 2006 notwithstanding the Governor's veto, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MESSAGE FROM THE GOVERNOR

June 4, 1975.

TO THE HONORABLE,
THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

"AN ACT Relating to state government; creating the department of veterans affairs."

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

There are at this time a number of state agencies which serve a variety of different interests within each agency. I see no more reason for the creation of a Department of Veterans Affairs than I do the separation of functions from other agencies and creating new departments to serve each such function. If anything, the proliferation of such special purpose agencies would diminish the amount of attention each agency would receive from the Governor, the Legislature and other state elected officials.

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

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2006.

Respectfully submitted,

DANIEL J. EVANS, Governor.

Representative Sawyer appeared at the bar of the House.

MOTION

Mr. Conner moved that the House do pass Substitute Senate Bill No. 2006 notwithstanding the Governor's veto.

Mr. Conner spoke in favor of the motion.

MOTION

Mr. Newhouse moved that the House recess until 7:30 p.m.

The Speaker Pro Tem: "Your motion is out of order, Representative Newhouse; we are under the Call of the House."

Mr. Parker demanded an oral roll call and the demand was sustained.

POINT OF PARLIAMENTARY INQUIRY

Mr. Pardini: "Will you inform the members of the House of the status and how many votes it will take in order to override the veto?"

The Speaker Pro Tem: "It requires a two-thirds majority vote of the members present."

Mr. Pardini: "How many members are present?"

The Speaker Pro Tem: "Eighty-five members are present and that would require a vote of fifty-seven."

Mr. Pardini: "A vote yes on this issue is to override the Governor's veto and a vote no is to sustain the Governor, is that correct?"

The Speaker Pro Tem: "That is correct."

Representatives Knowles, Wojahn and Conner spoke in favor of the motion to override the Governor's veto, and Representatives Pardini, Charette, Brown, Newhouse, Peterson and Charnley spoke against it.

ROLL CALL

The Clerk called the roll on the motion that the House do pass Substitute Senate Bill No. 2006 notwithstanding the Governor's veto, and the motion was carried by the following vote: Yeas, 58; nays, 27; not voting, 13.

Voting yea: Representatives Adams, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Boldt, Bond, Ceccarelli, Clemente, Cochrane, Conner, Deccio, Ehlers, Eikenberry, Erickson, Fortson, Gaines, Gallagher, Gaspard, Hanna, Hansen, Haussler, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, May, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Paris, Parker, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E. P., Smith R., Valle, Warnke, Williams, Wilson, Wojahn.

Voting nay: Representatives Amen, Berentson, Blair, Brown, Chandler, Charette, Charnley, Douthwaite, Dunlap, Eng, Flanagan, Greengo, Haley, Hansey, Juelling, Leckenby, Lee, Matthews, Newhouse, Pardini, Peterson, Polk, Randall, Sommers, Thompson, Whiteside, Zimmerman.

Not voting: Representatives Curtis, Fischer, Freeman, Gilleland, Hayner, Kuehne, Maxie, McCormick, Morgen, Nelson, Patterson, Perry, Tilly.

Substitute Senate Bill No. 2006, having received the constitutional two-thirds majority of the members present, was declared 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.

POINT OF ORDER

Mr. Newhouse: "How did Mr. Fischer vote?"

The Speaker Pro Tem: "Mr. Fischer was excused."

Mr. Newhouse: "Was he excused in the record before the vote was called?"

The Speaker Pro Tem: "No, he was excused by me while we were at ease."

POINT OF ORDER

Mr. Pardini: "Shall we pursue that issue further, Mr. Speaker, or is that your final ruling?"

The Speaker Pro Tem: "The gentleman was suffering from an illness and I excused him."

Mr. Pardini: "There is a procedure set forth for that, sir."

The Speaker Pro Tem: "I know that you are a very kind individual too, and wouldn't want anybody to be present who was suffering."

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House recessed until 7:30 p.m.

 EVENING SESSION

The House was called to order at 7:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Fischer, Freeman, Gilleland, Juelling, Kuehnle, McCormick, Morgen, Nelson, Patterson, Perry and Tilly. Representatives Fischer, Freeman, Kuehnle, McCormick, Morgen, Nelson, Patterson, Perry and Tilly were excused.

Mr. Boldt demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Fischer, Freeman, Gilleland, Juelling, Kuehnle, McCormick, Morgen, Nelson, Patterson, Perry and Tilly.

MOTION

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

SENATE AMENDMENTS TO HOUSE BILL

March 22, 1976

Mr. Speaker:

The Senate has passed REENGROSSED HOUSE BILL NO. 271 with the following amendments:

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."

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 2nd ex. sess. is approved and becomes law." and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Randall the House concurred in the Senate amendments to Reengrossed House Bill No. 271.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Reengrossed House Bill No. 271 as amended by the Senate.

Mr. Bender demanded an oral roll call and the demand was sustained.

POINT OF INFORMATION

Mr. Amen: "Could you tell us what we will be voting on here?"

The Speaker Pro Tem: "If you take a look at it you will probably find out."

Mr. Amen: "I haven't had time to look at it and I was just wondering whether anybody would explain it."

Mr. Charette spoke against passage of the bill.

POINT OF ORDER

Mr. Pardini: "I think Representative Charette has graciously informed us of what is in this amendment, and the Speaker should put the House in order, get rid of the music in the wings so that all of us could hear his words of wisdom."

The Speaker Pro Tem called the House to order and Mr. Charette continued his remarks in opposition to the bill.

POINT OF INQUIRY

Mr. Charette yielded to question by Mr. Hansen.

Mr. Hansen: "I've been following your voting record and you haven't voted for any kind of a tax yet. What do you recommend if we turn this down and really send them back with nothing? Is that what you recommend?"

Mr. Charette: "Representative Hansen, what I recommend to the House of Representatives is that we stop putting our fingers in the dike. I think one of the greatest mistakes that we made was when we voted (and I voted with it) to provide sixty-five million laughs here. We have a problem with education in the state of Washington, and it's not going to be solved until we have a solution that is going to run longer than a cutoff date. This cutoff date, of course, is meaningless. In answering the question that you've asked, I should remind you of the trick—and I considered it a very good one—that was played on us by the cities and the counties. They said give us a half cent sales tax, put on a cutoff date of January of a certain year and we'll not ask for any more money, and the legislature cut off the cutoff date. That's really what you're looking at with this bill and everything else that has been suggested. I would also suggest, in answering your question, that there is a great amount of responsibility and local control in special levies. That really hasn't been said too much, but the great percentage of school districts in the state have been responsible and have passed their special levies. Not until last year when a certain large segment of education within the state of Washington located—"

POINT OF ORDER

Mr. Newhouse: "Do you consider the remarks of the present speaker a response to the question? I don't."

The Speaker Pro Tem: "Have you answered the question, Representative Charette? How long is it going to take to answer it?"

Mr. Charette: "Not much longer."

POINT OF ORDER

Mr. Pardini: "Under a question and answer procedure, is it true that these remarks will be published in the Journal?"

The Speaker Pro Tem: "Yes."

Mr. Charette: "In answering the question, the percentage amount was in school districts until that rather large segment of the state that runs from Kirkland to Redmond on a lake that shall remain unnamed and from West Seattle to Ballard—"

The Speaker Pro Tem: "Mr. Charette, you are out of order."

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MESSAGE FROM THE SENATE

March 22, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 3226,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tempore announced he was signing:

SUBSTITUTE SENATE BILL NO. 3226.

MOTIONS

On motion of Mr. Newhouse, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House adjourned until 11:00 a.m., Tuesday, March 23, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

SEVENTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, March 23, 1976.

The House was called to order at 11:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bond, Clemente, Freeman, Gilleland, Hansey, Hurley (George), Kuehnle, Matthews, McCormick, Morgen, Nelson, Paris, Patterson, Smith (Rick) and Tilly. Representatives Bond, Freeman, Gilleland, Hansey, Kuehnle, Matthews, McCormick, Morgen, Nelson, Paris, Patterson and Tilly were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Julie Hoff and David Sheldon. Prayer was offered by the Reverend Wallace Misterek of the Trinity Lutheran Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE GOVERNOR

March 23, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise that on March 22, 1976, Governor Evans approved the following House Bills, entitled:

SUBSTITUTE HOUSE BILL NO. 1329: Making changes in the public disclosure laws.

HOUSE BILL NO. 1343: Setting legislator's salaries at \$7200 per year.

SUBSTITUTE HOUSE BILL NO. 1364: Changing law relating to contractual rights of school district certificated employees.

Sincerely,
CHI-DOOH LI, Legal Counsel.

SENATE AMENDMENT TO HOUSE BILL

March 22, 1976

Mr. Speaker:

The Senate has passed **SUBSTITUTE HOUSE BILL NO. 75** with the following amendments:

Beginning on page 1 strike everything after "AN ACT" and insert:

"Relating to elections; 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 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 description of the geographical boundaries of such precincts and districts shall be attached to each map.

(2) On or before February 1, 1977, each county auditor shall send three copies of each current map with its 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)) county legislative authority if it is any other precinct. The city council of the first class city or the ((board of county commissioners,)) county legislative authority 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 February 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, subject to the requirements and limitations of subsection (2) of this section: PROVIDED, 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, 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)) county legislative authority 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 29.04.050 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 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.

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."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Hawkins moved that the House do concur in the Senate amendments to Substitute House Bill No. 75.

Representatives Hawkins, Blair and King spoke in favor of the motion, and Mr. Pardini spoke against it.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be the final passage of Substitute House Bill No. 75 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 75 as amended by the Senate, and the bill passed the House with the following vote: Yeas, 53; nays, 19; not voting, 26.

Voting yea: Representatives Adams, Bauer, Bausch, Becker, Bender, Blair, Ceccarelli, Chandler, Charette, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fischer, Fortson, Gaines, Gallagher, Gaspard, Hanna, Haussler, Hawkins, Hurley M., Jastad, King, Knowles, Laughlin, Lee, Lux, Lysen, Maxie, May, Moon, Moreau, North, O'Brien, Osterman, Peterson, Randall, Sawyer, Seeberger, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Williams, Wilson, Wojahn, and Mr. Speaker.

Voting nay: Representatives Amen, Barnes, Boldt, Curtis, Deccio, Dunlap, Eikenberry, Flanagan, Greengo, Haley, Hansen, Hayner, Hendricks, Juelling, Kilbury, Leckenby, Pardini, Whiteside, Zimmerman.

Not voting: Representatives Bagnariol, Berentson, Bond, Brown, Clemente, Freeman, Gilleland, Hansey, Hurley G. S., Kalich, Kuehne, Martinis, Matthews, McCormick, McKibbin, Morgen, Nelson, Newhouse, Paris, Parker, Patterson, Perry, Polk, Schumaker, Smith R., Tilly.

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.

STATEMENT FOR THE JOURNAL

For these reasons I opposed passage of Substitute House Bill No. 75, dealing with election law changes:

1. The Senate amendment completely altered the intent of the original bill.
2. The measure did not have a committee hearing and had a very limited discussion on the floor of the House.
3. New section 1 requires county auditors to prepare maps within ten months, and yet no funds are provided to local government for this.
4. Many counties have the mapping function in the County Engineer's Office and this could provide problems.
5. New section 2 requires the Secretary of State to "coordinate and monitor mapping functions of county auditors and engineers," and this could be costly, bureaucratic, and unnecessary.
6. This section also requires the Secretary of State to "maintain official base maps and maintain an index of all available maps" and this could overlap others, such as the Highway Department and DNR. Its costs are not known.
7. Finally, the bill does not attempt to improve election boundaries caused by the overlapping and multiplicity of dozens of junior taxing districts, school districts, etc.

A better job can be done.

HAROLD S. ZIMMERMAN, 17th District.

MOTION

On motion of Mr. Thompson, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House was called to order at 2:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bond, Clemente, Freeman, Gallagher, Gilleland, Hansey, Haussler, Kalich, Kuehne, Matthews, McCormick, Morgen,

Nelson, Perry, Schumaker and Smith (Rick). Representatives Bond, Freeman, Gilleland, Hansey, Kuehnle, Matthews, McCormick, Morgen, Nelson and Schumaker were excused.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

SUBSTITUTE HOUSE BILL NO. 75.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MOTION

On motion of Mr. Boldt, the House adjourned until 10:00 a.m., Wednesday, March 24, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

EIGHTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, March 24, 1976.

The House was called to order at 10:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bond, Clemente, Freeman, Gilleland, Hansey, Haussler, Hayner, Kuehnle, Lee, Lysen, McCormick, Morgen, Nelson, Newhouse, Paris, Perry, Schumaker, Seeberger and Smith (Rick). Representatives Clemente, Freeman, Gilleland, Hansey, Haussler, Kuehnle, McCormick, Morgen, Newhouse, Perry and Seeberger were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Denise Gepner and Sparky Garcia. Prayer was offered by the Reverend Wallace Misterek of the Trinity Lutheran Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

MESSAGES FROM THE SENATE

March 23, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 75,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 23, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1316, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

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 amend the Senate amendments.

Signed by Senators Day, Cunningham, von Reichbauer; Representatives Adams, Shipoch.

MOTION

On motion of Mr. Adams, the House adopted the report of the Conference Committee on Second Substitute House Bill No. 1316, and granted the committee the powers of Free Conference.

On motion of Mr. Charnley, the message on Second Substitute House Bill No. 1316 was ordered transmitted immediately to the Senate.

Mr. Thompson demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Bond, Clemente, Freeman, Gilleland, Hansey, Haussler, Hayner, Kuehnle, Lee, Lysen, McCormick, Morgen, Nelson, Newhouse, Paris, Perry, Schumaker, Seeberger and Smith (Rick).

On motion of Mr. Thompson, the absent members were excused and the House proceeded with business under the Call of the House.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of REEN-GROSSED HOUSE BILL NO. 271 as amended by the Senate. (For previous action and Message from the Senate, see Journal for Monday, March 22, 1976.)

Mr. Thompson demanded an oral roll call and the demand was sustained.

Representatives Bagnariol, Bausch, Charnley, Randall and Douthwaite spoke in favor of passage of the bill, and Representatives Eikenberry, Hurley (George), Ehlers, Shinpoch, Polk and May spoke against it.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Hanna.

Mr. Hanna: "When you talked about the riff I had accepted what you said, but Representative Polk has raised a question about it. I wondered if you'd be more specific for me and anyone else who might be confused?"

Mr. Shinpoch: "Relative to Representative Polk's statement that there wasn't any riff, in the first budget that came over it specifically states that \$15 million shall be absorbed by the Department of Social and Health Services. I have a letter in my folder from the Department of Social and Health Services that says that because of the manner in which the personnel board operates, they must riff. That riff is nine hundred people. To add to that the fact that we are not going to get \$13.8 million of motor vehicle excise tax and that seventy-five percent of that has to come out of there, you've got to be in the neighborhood of 1500-1600 that have to be riffed out of Social and Health Services if we pass the \$111 million budget. What I would ask this body is, that if \$36 million in taxes is all you're going to pass, and you do accept this, then don't expect to fund \$111 million budget out of it. It isn't going to be there. It's got to be something like the austere budget that the Senate sent over last night. It cannot be \$111 million with \$36 million revenue. Those riffs are there."

Mr. Hanna spoke against passage of the bill, and Mr. Peterson spoke in favor of it.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mrs. Valle.

Mrs. Valle: "I'd like to ask how many of the people in DSHS we riffed under the austere budget the Senate passed last night?"

Mr. Shinpoch: "Are you asking about the austere budget they passed without any additional taxes? If so, then in my judgment, somewhere between 1500 and 1700. There's nothing there, so they have to go out. That's the same with you passing the \$36 million in this bill and then passing the \$111 million budget that they sent over. You're exactly in the same position. If you are going to accept the \$70 million of soft money, then there's no sense in your buying taxes at all because if the reason you're buying them is to keep people from being riffed, then you're wasting your time. If you're going to pass this bill then at least get the spending down to what you can fund because the soft money isn't there, or not to the extent that they say it is."

Mrs. Valle spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Pardini.

Mr. Pardini: "As the debate this morning has become more and more confusing, to get back to the \$36 million that you are asking to be raised in Reengrossed House Bill No. 271, has your caucus reached a firm position on how this money will be spent if it is raised?"

Mr. Bagnariol: "No, we have not."

Mr. Pardini spoke against passage of the bill.

POINT OF INQUIRY

Mr. Shinpoch yielded to question by Mr. Patterson.

Mr. Patterson: "I understand that in the conference committee's discussion and the references you made, that the riff would not apply to higher education, but if my understanding is correct, that proviso was taken out in conference and the riff would apply to higher education?"

Mr. Shinpoch: "I've not read the conference committee report; however, House Bill No. 1626, which is the austere budget, I read this morning, and it's still in there. Higher education is still excepted in there, so I have to assume that it's always been in each one of the budgets that have been passed."

POINT OF INQUIRY

Mr. Bagnariol yielded to question by Mr. Patterson.

Mr. Patterson: "My understanding is that the riff policy that was exempt in higher education no longer is in the conference report. Can you respond to that?"

Mr. Bagnariol: "I also have not read the report because the conference committee has not concluded its work. At the last meeting we had, the agreement at that time was that higher education would be excluded from the riff and as far as I know that's the way it is. I haven't actually read the document that was printed, the proposed conference committee report."

Representatives King and Bauer spoke in favor of the bill and Mr. Matthews spoke against it.

Mr. Bagnariol closed debate, speaking again in favor of passage of the bill.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 29; nays, 50; not voting, 19.

Voting yea: Representatives Adams, Bauer, Bausch, Becker, Ceccarelli, Charnley, Conner, Douthwaite, Fortson, Gallagher, Gaspard, Greengo, Haley, Hendricks, Kilbury, King, Knowles, Maxie, O'Brien, Osterman, Peterson, Randall, Sawyer, Smith E. P., Sommers, Thompson, Valle, Warnke, Wojahn.

Voting nay: Representatives Amen, Bagnariol, Barnes, Bender, Berentson, Blair, Boldt, Brown, Chandler, Charette, Cochrane, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Gaines, Hanna, Hansen, Hawkins, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Laughlin, Leckenby, Lux, Martinis, Matthews, May, McKibbin, Moon, Moreau, North, Pardini, Parker, Patterson, Polk, Sherman, Shinpoch, Tilly, Whiteside, Williams, Wilson, Zimmerman.

Not voting: Representatives Bond, Clemente, Freeman, Gilleland, Hansey, Haussler, Hayner, Kuehnle, Lee, Lysen, McCormick, Morgen, Nelson, Newhouse, Paris, Perry, Schumaker, Seeberger, Smith R.

Reengrossed House Bill No. 271 as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Mr. Bagnariol, having voted on the prevailing side, moved that the House reconsider the vote by which Reengrossed House Bill No. 271 as amended by the Senate failed to pass the House.

The motion was carried.

STATEMENT FOR THE JOURNAL

Because House and Senate leadership has reached the most stubborn stalemate on budgets and taxes in my nine and a half years in the legislature, I voted against Reengrossed House Bill No. 271, the measure that will raise the sales tax one tenth of one percent and the business and occupation tax by a six percent surcharge. A sales tax increase hurts border business and the business and occupation tax is a gross income tax on business. There should be a major tax reform rather than "band-aids." The funds to be raised will provide 36 million dollars for schools and other agencies. The figures also are questionable. Appropriations Committee Chairman Shinpoch asserts that approximately \$20 million of the estimated funds cannot be spent legally, and other estimates are "soft."

The measure does not adequately fund schools, higher education, nursing homes, community-based mental health programs, school transportation, nor salaries for state employees. It does nothing at all to solve the pension problem.

The time has come when the legislature truly must meet its responsibilities rather than reflect limited public opinion.

HAROLD S. ZIMMERMAN, 17th District.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House was called to order at 2:00 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Bond, Freeman, Gilleland, Hansey, Haussler, Hayner, Kuehnle, Lee, McCormick, Morgen, Nelson, Newhouse, Paris, Perry, Schumaker and Seeberger. Representatives Freeman, Gilleland, Hansey, Haussler, Hayner, Kuehnle, McCormick, Morgen, Newhouse, Paris, Perry, Schumaker and Seeberger were excused.

Mr. Thompson demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Bond, Freeman, Gilleland, Hansey, Haussler, Hayner, Kuehnle, Lee, McCormick, Morgen, Nelson, Newhouse, Paris, Perry, Schumaker and Seeberger.

MOTION

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

MESSAGE FROM THE SENATE

March 24, 1976

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1316, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

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 we recommend that the Senate amendment be adopted with the following amendments:

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 consecutively.

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, von Reichbauer; Representatives Adams, Shinpoch, Freeman.

MOTION

On motion of Mr. Adams, the report of the Free Conference Committee was adopted.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Second Substitute House Bill No. 1316 as amended by the Free Conference Committee.

Mr. Adams spoke in favor of passage of the bill.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 80; nays, 2; not voting, 16.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Brown, Ceccarelli, Chandler, Charette, Charney, Clemente, Cochrane, Conner, Curtis, Decchio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Gaines, Gallagher, Gaspard, Greeno, Haley, Hanna, Hansen, Hawkins, Hendricks, Hurley G. S., Hurley M., Jastad, Juelling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Pardini, Parker, Patterson, Peterson, Randall, Sawyer, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wjahn, Zimmerman.

Voting nay: Representatives Matthews, Polk.

Not voting: Representatives Bond, Freeman, Gilleland, Hansey, Haussler, Hayner, Kuehnle, Lee, McCormick, Morgen, Nelson, Newhouse, Paris, Perry, Schumaker, Seeberger.

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.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be reconsideration of final passage of Reengrossed Substitute House Bill No. 271 as amended by the Senate.

Mr. Thompson demanded an oral roll call vote and the demand was sustained.

Mr. Bagnariol spoke in favor of passage of the bill, and Mr. Pardini spoke against it.

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Moon.

Mr. Moon: "Did I understand you to say that we had alternatives to adequately fund schools and to sufficiently fund and implement the salary survey without raising any taxes?"

Mr. Pardini: "It depends on your definition of adequate funding of the schools and implementation of the salary survey, Representative Moon. If you were listening carefully you probably would have understood me to say that we guaranteed schools \$495 per pupil, that within the existing revenues we could go as high as \$510 per pupil, an increase of \$15 per pupil. With the remaining existing revenues we cannot implement the full salary survey, neither of the budgets, the bare bones nor the compromise budget, envisions full implementation of the salary survey. They range from 4.2% to classified and 5% to certified. That may not be everything to everybody, but maybe that's the difference, maybe we can't do everything for everybody."

Mr. Moon spoke against passage of the bill.

POINT OF INQUIRY

Mr. Pardini yielded to question by Mr. Ehlers.

Mr. Ehlers: "I was interested in your comments, Representative Pardini, about fifty or sixty or seventy million dollars. Could you outline this for the body, these revenues that we have without the tax increase?"

Mr. Pardini: "I think Representative Bagnariol or Representative Shinpoch are more qualified than I am. I'm just taking the figures from the legislative staff, the Senate staff, House staff, and they seem to have agreed that there's somewhere around \$75 million. I believe \$13.8 million would be illegal to appropriate and I believe half of the cigarette tax is questionable; therefore I suggest going down to about \$60 million. I'm sure the members of the Ways and Means Committee can give you those revenue estimates much more accurately than I."

Mr. Ehlers spoke against passage of the bill.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 29; nays, 53; not voting, 16.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Ceccarelli, Charnley, Conner, Douthwaite, Eng, Fortson, Gaspard, Greengo, Haley, Hendricks, Kilbury, King, Knowles, Lysen, Maxie, O'Brien, Osterman, Peterson, Sawyer, Smith E. P., Smith R., Sommers, Thompson, Valle, Wojahn.

Voting nay: Representatives Amen, Barnes, Becker, Bender, Berentson, Blair, Boldt, Brown, Chandler, Charette, Clemente, Cochran, Curtis, Deccio, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Flanagan, Gaines, Gallagher, Hanna, Hansen, Hawkins, Hurley G. S., Hurley M., Jastad, Jueling, Kalich, Laughlin, Leckenby, Lux, Martinis, Matthews, May, McKibbin, Moon, Moreau, North, Pardini, Parker, Patterson, Polk, Randall, Sherman, Shinpoch, Tilly, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Not voting: Representatives Bond, Freeman, Gilleland, Hansey, Haussler, Hayner, Kuehnle, Lee, McCormick, Morgen, Nelson, Newhouse, Paris, Perry, Schumaker, Seeberger.

Reengrossed House Bill No. 271 as amended by the House, having failed to receive the constitutional majority, was declared lost.

MOTION

On motion of Mr. Thompson, Representative Curtis was excused from the Call of the House.

SENATE AMENDMENTS TO HOUSE BILL

March 23, 1976

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1626 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
Total Appropriation	\$	90,209

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
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. 10. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation	\$	107,968
General Fund—Motor Transport Account Appropriation	\$	271,477
Total Appropriation	\$	379,445

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
Total Funding Sources	\$	12,494,734

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 percentage 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 of 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—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. 14. 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. 15. 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.

Sec. 16. Section 149, chapter 269, Laws of 1975 1st ex. sess. (unclassified) 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 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 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 handicapped 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. 17. 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:

<u>ASSESSED VALUATION PER FTE STUDENT</u>	<u>PER FTE STUDENT ALLOCATION</u>
\$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. 18. 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 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.

Sec. 19. 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. 20. 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. 21. 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. 22. 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 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.

(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. 23. 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 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

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	Reappropiations	From the Fund Designated
(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

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

	Reappropiations	From the Fund Designated
(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. 26. 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

	Reappropiations	From the Fund Designated
(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 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
<u>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</u>		
(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 DSHS Construction Account (HJR 52)		800,000))
(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) 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) 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
((l)) (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 and 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			
((5,230,142)) ((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. 27. FOR THE STATE PARKS AND RECREATION COMMISSION

	Reappropiations	From the Fund Designated
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		
(1) Region I		27,500

(2) Region II 56,000
 (3) Region III 30,900

Sec. 28. Section 9, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:
 FOR THE DEPARTMENT OF FISHERIES

	Reappropriations	From the Fund Designated
(1) Safety installations to meet WISHA requirements ((General Fund—State)) Fisheries Capital Projects Account		270,350
(2) Improved domestic water supplies—((Nehalem)) Nema and Willapa hatcheries ((General Fund—State)) Fisheries Capital Projects Account		21,000
(3) Pollution abatement facilities for state hatcheries ((General Fund—State)) Fisheries Capital Projects Account		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
Fisheries Capital Projects Account		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))
		350,000
		87,500))
(b) Green River hatchery		

<u>((General Fund—State)) Fisheries Capital Projects Account</u>	((50,000))
General Fund—Federal	32,500
<hr/>	
(c) Icy Creek	
<u>((General Fund—State)) Fisheries Capital Projects Account</u>	137,500
General Fund—Federal	137,500
<hr/>	
(d) ((Samish)) Nooksack hatchery	
<u>((General Fund—State)) Fisheries Capital Projects Account</u>	90,000
General Fund—Federal	90,000
<hr/>	
(e) ((Soleduck hatchery)) Bear Springs Ponds	
<u>((General Fund—State)) Fisheries Capital Projects Account</u>	((650,000))
General Fund—Federal	87,500
	<u>87,500</u>
<hr/>	
(f) Skykomish hatchery	
<u>((General Fund—State)) Fisheries Capital Projects Account</u>	((35,000))
General Fund—Federal	22,500
	<u>22,500</u>
<hr/>	
(g) McAllister Springs	
Fisheries Capital Projects Account	100,000
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(h) Johns Creek	
Fisheries Capital Projects Account	200,000
General Fund—Federal	200,000
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(13) Clam Pond—Point Whitney	
<u>((General Fund—State)) Fisheries Capital Projects Account</u>	30,000
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(14) ((Green River hatchery—water system improvement)) Minter Creek Hatchery—Hupp Springs acquisition and development	
<u>((General Fund—State)) Fisheries Capital Projects Account</u>	120,000
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(15) Facilities improvement project	
<u>((General Fund—State)) Fisheries Capital Projects Account</u>	289,750
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(16) Lewis River hatchery—residence	
<u>((General Fund—State)) Fisheries Capital Projects Account</u>	30,000
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(17) Tottle hatchery water supply improvement, release ponds, and freezer replacement	
General Fund—Federal	1,075,000
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(18) Klickitat hatchery—rebuild rearing ponds	
General Fund—Federal	75,000
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(19) Elokomin hatchery release pond	
General Fund—Federal	275,000

Sec. 29. Section 10, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GAME

	Reappro- priations	From the Fund Designated
(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
<hr/>		
(2) Purchase and develop lands for outdoor recreation ((3,405,500)) (3,868,679)		
Outdoor Recreation Account	((758,000))	472,500
	<u>1,221,179</u>	
Outdoor Recreation Account appropriation pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.	1,550,000	625,000
<hr/>		
NEW SECTION. Sec. 30. FOR THE UNIVERSITY OF WASHINGTON		

	Reappro- priations	From the Fund Designated
(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. 31. FOR WASHINGTON STATE UNIVERSITY

	Reappro- priations	From the Fund Designated
(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

Sec. 32. Section 14, chapter 276, Laws of 1975 1st ex. sess. (uncodified) is amended to read as follows:
FOR EASTERN WASHINGTON STATE COLLEGE

	Reappro- priations	From the Fund Designated
(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 fieldhouse portion of physical education complex: <u>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</u>	
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 renovations to Science/Isle buildings	
Eastern Washington State College Projects Account	75,000

NEW SECTION. Sec. 33. FOR CENTRAL WASHINGTON STATE COLLEGE

	Reappropiations	From the Fund Designated
(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 facilities 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

NEW SECTION. Sec. 34. FOR WESTERN WASHINGTON STATE COLLEGE

	Reappropiations	From the Fund Designated
Construct and equip an addition to and remodel the auditorium/music building		
State Higher Education Construction Account		1,874,925

NEW SECTION. Sec. 35. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	Reappropiations	From the Fund Designated
(1) Emergency capital repairs		
Community College Capital Construction Account		846,349
(2) Construct and equip addition to learning resource center and structural improvements at Clark Community College		
Community College Capital Construction Account		778,502
(3) Construct and equip utility distribution tunnels at High-line Community 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. 36. 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. 37. 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. 38. 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. 39. There is hereby appropriated to the general fund the sum of \$5,508,264 from Suspense Fund 705.

NEW SECTION. Sec. 40. 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. 41. 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." and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Bagnariol, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1626, and asked the Senate for a conference thereon.

MOTION FOR RECONSIDERATION

Mr. Smith (Rick), having voted on the prevailing side, moved that the House reconsider the vote by which the Senate amendments to Engrossed Substitute House Bill No. 1626 were not concurred in.

Mr. Parker demanded an electric roll call vote and the demand was sustained.

On motion of Mr. Thompson, Representatives Hanna and Laughlin were excused from the Call of the House.

The Speaker Pro Tem declared the House to be at ease.
The Speaker Pro Tem called the House to order.

On motion of Mr. Thompson, Representatives Bausch and Fischer were excused from the Call of the House.

Mr. Bond appeared at the bar of the House.

The Speaker Pro Tem stated the question before the House to be the motion by Representative Smith (Rick) that the House reconsider the vote by which the Senate amendments to Engrossed Substitute House Bill No. 1626 were not adopted.

Representatives Hurlley (Margaret), Dunlap and Smith (Rick) spoke in favor of the motion, and Representatives Bagnariol, Amen, Moon and Patterson spoke against it.

ROLL CALL

The Clerk called the roll on the motion for reconsideration of the vote by which the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1626, and the motion was lost by the following vote: Yeas, 32; nays, 46; not voting, 20.

Voting yea: Representatives Adams, Barnes, Bauer, Berentson, Boldt, Bond, Conner, Dunlap, Eikenberry, Flanagan, Fortson, Gallagher, Greengo, Hansen, Hurley M., Jastad, Juelling, Kalich, Knowles, Leckenby, Matthews, Maxie, May, Moreau, North, O'Brien, Parker, Polk, Sawyer, Smith R., Whiteside, Wilson.

Voting nay: Representatives Amen, Bagnariol, Becker, Bender, Blair, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Decio, Douthwaite, Ehlers, Eng, Erickson, Gaines, Gaspard, Haley, Hawkins, Hendricks, Hurley G. S., Kilbury, King, Lux, Lysen, Martinis, McKibbin, Moon, Osterman, Pardini, Patterson, Peterson, Randall, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Williams, Wojahn, Zimmerman.

Not voting: Representatives Bausch, Curtis, Fischer, Freeman, Gilleland, Hanna, Hansey, Haussler, Hayner, Kuehnle, Laughlin, Lee, McCormick, Morgen, Nelson, Newhouse, Paris, Perry, Schumaker, Seeberger.

APPOINTMENT OF CONFEREES

The Speaker Pro Tem appointed Representatives Boldt, Warnke and Flanagan as conferees on Engrossed Substitute House Bill No. 1626.

STATEMENT FOR THE JOURNAL

I asked to be excused from the Call of the House so that I might attend the funeral of a friend in Wenatchee the evening of March 24th.

ROBERT "BOB" CURTIS, 12th District.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

SECOND SUBSTITUTE HOUSE BILL NO. 1316.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House adjourned until 1:30 p.m., Thursday, March 25, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

EIGHTY-FIRST DAY

AFTERNOON SESSION

House Chamber, Olympia, Wash., Thursday, March 25, 1976.

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Gilleland, Hansey, Haussler, Kuehne, Leckenby, Lee, Matthews, McCormick, Morgen, Nelson, Paris, Randall, Sawyer, Schumaker, Seeberger and Smith (Rick). Representatives Gilleland, Hansey, Haussler, Kuehne, McCormick, Morgen, Paris and Schumaker were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Teresa Smith and Reggie Grantham. Prayer was offered by the Reverend Wallace Misterek of the Trinity Lutheran Church of Olympia.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE GOVERNOR

March 24, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise that on March 24, 1976, Governor Evans approved the following House Bill, entitled:

SUBSTITUTE HOUSE BILL NO. 1544: Revising laws relating to insurance.

Sincerely,
CHI-DOOH LI, Legal Counsel.

MESSAGES FROM THE SENATE

March 24, 1976

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 2927,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 24, 1976

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 134,

SENATE CONCURRENT RESOLUTION NO. 135,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 24, 1976

Mr. Speaker:

The Senate has adopted at 4:15 p.m. on March 24, 1976:

SENATE CONCURRENT RESOLUTION NO. 136,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 60, by Representatives Parker, Eikenberry, Gaines, Dunlap, Haussler, Knowles, Jastad, May, Paris, Hansen, Amen, Hurley (Margaret), Hansey, Kalich, Chandler, Greengo, Pardini, Leckenby, Berentson, Wilson, Polk, Schumaker, Peterson, Matthews, Bond, Smith (Rick), Haley, Deccio, Hayner, Juelling, Flanagan, Fortson, North, Adams, Wojahn and Martinis:

Notifying the Governor the Legislature is ready to adjourn sine die.

To Committee on Rules

SUBSTITUTE SENATE BILL NO. 2927, by Committee on State Government (Originally sponsored by Senator Rasmussen):

Relating to state government.

To Committee on State Government

SENATE CONCURRENT RESOLUTION NO. 134, by Senator Rasmussen:

Suspension of Rules for Substitute Senate Bill No. 2927.

To Committee on Rules

SENATE CONCURRENT RESOLUTION NO. 135, by Senators Henry, Walgren, Morrison and Guess:

Requesting contest by legislature of governor's vetoes of Second Substitute Senate Bill No. 3172.

MOTION

On motion of Mr. Thompson, the rules were suspended and Senate Concurrent Resolution No. 135 was advanced to second reading and read the second time in full.

The Clerk read the following amendment by Representatives Knowles and Eikenberry: On page 1, line 28 after "3172" insert a period and strike the remainder of the resolution.

With the consent of the House, Mr. Knowles withdrew the amendment, and spoke to it.

POINT OF INQUIRY

Mr. Eikenberry yielded to question by Mr. Newhouse.

Mr. Newhouse: "As our representative on the matter of Senate Concurrent Resolution No. 122 and the possible addition of this veto as an additional subject, do you have any comments as to the pace at which that committee has proceeded and the attorneys' costs that have been incurred in the progress that has been achieved?"

Mr. Eikenberry: "I concur with the remarks of Representative Knowles that the addition of this item to the pending lawsuit apparently would not slow down the progress. That was my first concern and it's one that has been checked out and as best we can determine it would not further slow the progress of this litigation. This litigation is one that is pretty much agreed to concur, both by the Senate and the House, and the Governor's office, because we believe it is proper to get an understanding of what the new constitutional amendment does provide so far as item veto is concerned. I would take one other occasion, in making this remark for the record, to say that I am greatly disturbed, and I pass this reaction particularly to the Republican caucus whom I was nominated to represent in this matter, that the lawsuit has not been filed in the case. I have written memos to this effect and I appreciate this chance to get it on the record. I certainly do not fault the other representative from the House on this matter because I know he has also done many things to try to speed up the pace of this litigation and get it filed. I'm concerned that we are rapidly approaching the point when the lawsuit may become meaningless."

The Clerk read the following amendment to Senate Concurrent Resolution No. 135 by Representative Pardini:

"Be it further resolved that the 44th leg. adjourn sine die"

POINT OF ORDER

Mr. Thompson: "Mr. Speaker, it seems appropriate to me to challenge the scope and object of this amendment."

Mr. Pardini moved adoption of the amendment.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Your amendment isn't written properly. I find the amendment out of order because it is faulty."

With the consent of the House, Mr. Pardini withdrew the amendment.

MOTION

On motion of Mr. Thompson, further consideration of Senate Concurrent Resolution No. 135 was deferred, and the resolution was ordered to hold its place on the second reading calendar.

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.

To Committee on Rules

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

Mr. Thompson demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Curtis, Gilleland, Hansey, Haussler, Jastad, Kuehnle, Leckenby, Lee, Matthews, McCormick, Morgen, Nelson, Paris, Perry, Sawyer, Schumaker and Seeberger.

MOTION

On motion of Mr. Thompson, the absent members were excused, and the House proceeded with business under the Call of the House.

MESSAGE FROM THE SENATE

March 25, 1976

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1316,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Thompson, the House advanced, to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 135, by Senators Henry, Walgren, Morrison and Guess:

Requesting contest by legislature of governor's vetoes of Second Substitute Senate Bill No. 3172.

The resolution was read the second time.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Senate Concurrent Resolution No. 135 was placed on final passage.

Representatives Thompson and Eikenberry spoke in favor of adoption of the resolution.

ROLL CALL

The Clerk called the roll on adoption of Senate Concurrent Resolution No. 135, and the resolution was adopted by the House by the following vote: Yeas, 64; nays, 17; not voting, 17.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Berentson, Boldt, Bond, Ceccarelli, Chandler, Clemente, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Erickson, Fischer, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Haley, Hanna, Hansen, Hawkins, Hayner, Hurley G. S., Hurley M., Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Moreau, North, O'Brien, Osterman, Parker, Patterson, Peterson, Polk, Randall, Sherman, Shipoch, Smith E. P., Smith R., Thompson, Warnke, Wilson, Wojahn.

Voting nay: Representatives Barnes, Blair, Brown, Charette, Charnley, Eng, Flanagan, Hendricks, Jueling, Newhouse, Pardini, Sommers, Tilly, Valle, Whiteside, Williams, Zimmerman.

Not voting: Representatives Curtis, Gilleland, Hansey, Haussler, Jastad, Kuehne, Leckenby, Lee, Matthews, McCormick, Morgen, Nelson, Paris, Perry, Sawyer, Schumaker, Seeberger.

Senate Concurrent Resolution No. 135, having received the constitutional majority, was declared adopted.

MOTION

On motion of Mr. Bender, the House advanced to the eighth order of business.

MOTION FOR RECONSIDERATION

Mr. Bagnariol, having voted on the prevailing side, moved that the rules be suspended and the House reconsider the vote by which Reengrossed House Bill No. 271 as amended by the Senate failed to pass the House.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be Reengrossed House Bill No. 271 as amended by the Senate on final passage.

Mr. Bender demanded an oral roll call, and the demand was sustained.

Representatives Bagnariol and Parker spoke in favor of passage of the bill, and Mr. Pardini spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 271 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; nays, 31; not voting, 17.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Becker, Bender, Boldt, Brown, Ceccarelli, Chandler, Charnley, Conner, Douthwaite, Ehlers, Eng, Erickson, Fortson, Gallagher, Gaspard, Haley, Hanna, Hansen, Hawkins, Hendricks, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Lysen, Maxie, McKibbin, Moon, North, O'Brien, Osterman, Parker, Peterson, Randall, Sherman, Shipoch, Smith E. P., Smith R., Sommers, Thompson, Valle, Warnke, Williams, Wojahn.

Voting nay: Representatives Amen, Barnes, Berentson, Blair, Bond, Charette, Clemente, Cochrane, Deccio, Dunlap, Eikenberry, Fischer, Flanagan, Freeman, Gaines, Greengo, Hayner, Hurley M., Jueling, Kalich, Martinis, May, Moreau, Newhouse, Pardini, Patterson, Polk, Tilly, Whiteside, Wilson, Zimmerman.

Not voting: Representatives Curtis, Gilleland, Hansey, Haussler, Jastad, Kuehne, Leckenby, Lee, Matthews, McCormick, Morgen, Nelson, Paris, Perry, Sawyer, Schumaker, Seeberger.

Reengrossed House Bill No. 271 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. Thompson, Representatives Hawkins, Maxie and May were excused from the Call of the House.

SENATE AMENDMENT TO HOUSE BILL

March 12, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1403 with the following amendment:

On page 1, line 22 after "of" and before "thousand" strike "fifty-eight million nine hundred" and insert "thirty-eight million three hundred"

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Shinpoch, the House refused to concur in the Senate amendment to Engrossed House Bill No. 1403, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker Pro Tem appointed Representatives Bagnariol, Shinpoch and Polk as conferees on Engrossed House Bill No. 1403.

SENATE AMENDMENTS TO HOUSE BILL

March 12, 1976

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1440 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" and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Shinpoch, the House concurred in the Senate amendment to Engrossed House Bill No. 1440.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Bill No. 1440 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1440 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 75; nays, 3; not voting, 20.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gaspard, Greengo, Haley, Hanna, Hansen, Hayner, Hendricks, Hurley G. S., Hurley M., Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Lux, Lysen, McKibbin, Moon, Moreau, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Patterson, Peterson, Polk, Randall, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Gallagher, Martinis, Wojahn.

Not voting: Representatives Curtis, Gilleland, Hansey, Haussler, Hawkins, Jastad, Kuehne, Leckenby, Lee, Matthews, Maxie, May, McCormick, Morgen, Nelson, Paris, Perry, Sawyer, Schumaker, Seeberger.

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.

Representative May appeared at the bar of the House.

MOTION

On motion of Mr. Thompson, the House reverted to the seventh order of business.

THIRD 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.

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

Mr. Bagnariol spoke in favor of passage of the bill, and Mr. Martinis spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1443, and the bill received the constitutional sixty percent majority, by the following vote: Yeas, 60; nays, 19; not voting, 19.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Bender, Berentson, Brown, Ceccarelli, Charette, Charnley, Clemente, Cochrane, Conner, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Freeman, Gaines, Gallagher, Hanna, Hansen, Hurley G. S., Jueling, Kilbury, King, Knowles, Laughlin, Lux, Lysen, May, McKibbin, Moon, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Patterson, Peterson, Polk, Sherman, Shinpoch, Smith E. P., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Zimmerman.

Voting nay: Representatives Amen, Barnes, Becker, Blair, Boldt, Bond, Chandler, Fortson, Gaspard, Greengo, Haley, Hayner, Hendricks, Hurley M., Kalich, Martinis, Moreau, Randall, Wojahn.

Not voting: Representatives Curtis, Gilleland, Hansey, Haussler, Hawkins, Jastad, Kuehnle, Leckenby, Lee, Matthews, Maxie, McCormick, Morgen, Nelson, Paris, Perry, Sawyer, Schumaker, Seeberger.

House Bill No. 1443, 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.

MOTIONS

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

On motion of Mr. Thompson, the House adjourned until 11:00 a.m., Friday, March 26, 1976.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

EIGHTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, March 26, 1976.

The House was called to order at 11:00 a.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Curtis, Gilleland, Hansey, Haussler, Jastad, Kuehne, Lee, Matthews, McCormick, Morgen, Nelson, Paris, Schumaker and Seeberger. Representatives Curtis, Gilleland, Hansey, Haussler, Kuehne, McCormick, Morgen, Nelson, Paris and Schumaker were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Erin Brown and Scott Boyd. Prayer was offered by Representative Paul Conner.

The Speaker Pro Tem announced the death of Supreme Court Justice Robert C. Finley, and the House stood one minute in silent prayer.

Reading of the journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE GOVERNOR

March 25, 1976

**TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
OF THE STATE OF WASHINGTON**

Ladies and Gentlemen:

I have the honor to advise that on March 25, 1976, Governor Evans approved the following House Bills, entitled:

SUBSTITUTE HOUSE BILL NO. 77: Implementing the law relating to elections generally.

HOUSE BILL NO. 1272: Exempting minibus car pools from commercial transportation regulations.

HOUSE BILL NO. 1355: Implementing law relating to the state employee suggestion program.

Sincerely,
CHI-DOOH LI, Legal Counsel.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:
HOUSE BILL NO. 271,
HOUSE BILL NO. 1440.

COMMITTEE APPOINTMENT

In accordance with Substitute Senate Bill No. 3246, the Speaker Pro Tem appointed Representatives Sommers, Warnke and Kuehne as members of the committee to select a State Actuary.

MOTION

On motion of Mr. Thompson, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker Pro Tempore. The Clerk called the roll and all members were present except Representatives Becker, Boldt, Ehlers, Gilleland, Hanna, Hansey, Haussler, Jastad, Kuehne, Lee, Matthews, McCormick, Morgen, Paris,

Randall, Schumaker, Seeberger and Smith (Rick). Representatives Gilleland, Hansey, Haussler, Kuehnle, Lee, McCormick, Morgen, Paris, Schumaker and Seeberger were excused.

MESSAGE FROM THE GOVERNOR

March 26, 1976

TO THE HONORABLE,
THE HOUSE OF REPRESENTATIVES
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.

Sincerely,
DANIEL J. EVANS, Governor.

MESSAGE FROM THE SENATE

March 26, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1624, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 20, 1976

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom as 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.

Signed by Senators Donohue, Newschwander, Odegaard; Representatives Bagnariol, Shinpoch, Polk.

MOTION

On motion of Mr. Bagnariol, the report of the Conference Committee was adopted, and the committee was granted the powers of Free Conference.

The Speaker Pro Tem declared the House to be at ease.

The Speaker Pro Tem called the House to order.

Mrs. Hurley (Margaret) demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Gilleland, Haley, Hansey, Haussler, Jastad, Kuehnle, Lee, Matthews, McCormick, Morgen, Paris, Randall, Schumaker, Seeberger and Smith (Rick).

MOTION

On motion of Mr. Bender, the absent members were excused, and the House proceeded with business under the Call of the House.

MESSAGES FROM THE SENATE

March 25, 1976

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 135,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 26, 1976

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1403, and the President has appointed as conferees thereon: Senators Donohue, Newschwander, Odegaard.

Sidney R. Snyder, Secretary.

March 26, 1976

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1403, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

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.

Signed by Senators Donohue, Newschwander, Odegaard; Representatives Polk, Shinpoch, Bagnariol.

MOTION

On motion of Mr. Shinpoch, the report of the Conference Committee was adopted, and the committee was granted the powers of Free Conference.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 135.

MESSAGES FROM THE SENATE

March 26, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 271,

HOUSE BILL NO. 1440,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 26, 1976

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1443,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary

MOTION

On motion of Mr. Thompson, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE JOINT RESOLUTION NO. 139, by Committee on State Government (Originally sponsored by Senator Bluechel):

Amending the Constitution to permit all legislators to receive the same salary in 1977.

The resolution was read the second time.

Committee on State Government recommendation: Do pass as amended. (For amendment, see Journal, Seventy-first Day, 2nd ex. sess., March 15, 1976.)

On motion of Ms. Sommers, the committee amendment was adopted.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Substitute Senate Joint Resolution No. 139 as amended by the House was placed on final passage.

Ms. Sommers spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Joint Resolution No. 139 as amended by the House, and the resolution received the constitutional two-thirds majority, by the following vote: Yeas, 66; nays, 17; not voting, 15.

Voting yea: Representatives Adams, Bagnariol, Bauer, Bausch, Berentson, Blair, Bond, Brown, Ceccarelli, Chandler, Clemente, Cochrane, Conner, Curtis, Douthwaite, Dunlap, Eikenberry, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Hanna, Hansen, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Nelson, Newhouse, North, O'Brien, Pardini, Parker, Perry, Peterson, Polk, Sawyer, Shipoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson.

Voting nay: Representatives Amen, Barnes, Becker, Bender, Boldt, Charette, Charnley, Deccio, Ehlers, Eng, Erickson, Moreau, Osterman, Patterson, Sherman, Wojahn, Zimmerman.

Not voting: Representatives Gilleland, Haley, Hansey, Haussler, Jastad, Kuehnle, Lee, Matthews, McCormick, Morgen, Paris, Randall, Schumaker, Seeberger, Smith R.

Substitute Senate Joint Resolution No. 139 as amended by the House, having received the constitutional two-thirds majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please change my vote to "Yes" on Substitute Senate Joint Resolution No. 139 as amended by the House.

ALEX DECCIO, 15th District.

MOTIONS

On motion of Mr. Thompson, Substitute Senate Joint Resolution No. 139 as amended by the House was ordered transmitted immediately to the Senate.

On motion of Mr. Thompson, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 76-91, by Representatives Laughlin, O'Brien, Bausch and Hendricks:

WHEREAS, The State Capitol Historical Association has, through the dedicated efforts of its affiliated Olympia - South Sound Maritime Chapter, secured for the State of Washington and the City of Olympia the U. S. Coast Guard Lightship Relief as a gift from the United States government; and

WHEREAS, This fully-equipped vessel, valued by the United States government at eight hundred thousand dollars, will be maintained as an operational maritime historical center berthed in capital waterway below the state capitol and operated in the public interest without cost to the state; and

WHEREAS, The Cruiser Olympia Association of Philadelphia, which similarly maintains Admiral Dewey's historic flagship, the Cruiser Olympia, named for the capital city of the State of Washington, has indicated its interest in cooperative exchange of displays and artifacts between the two museum ships in observance of the Bicentennial Year; and

WHEREAS, The Lightship Relief will be opened to the public during this Bicentennial Year;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the Washington State Legislature, That individuals, private associations and governmental agencies within the State of Washington be urged to work cooperatively with the State Capitol Historical Association and its Olympia - South Sound Maritime Chapter make available locally owned relics, artifacts and other materials relating to the USS Olympia for temporary loan to the Cruiser Olympia Association in exchange for similar material now on display aboard that vessel at Philadelphia;

AND BE IT FURTHER RESOLVED, That this House of Representatives encourages and supports the plans of the operators of the Washington State Museum Ship Relief to feature as its Bicentennial opening exhibit, memorabilia from the gallant ship which symbolizes the use of United States sea power in the cause of freedom, the USS Olympia.

On motion of Mr. Laughlin, the resolution was adopted.

HOUSE RESOLUTION NO. 76-94, by Representatives Charnley, Brown, Eng, Maxie, Lux, Cochrane, Peterson and Kilbury:

WHEREAS, The State of Washington has a significant population of students in the public elementary and secondary schools in Washington State whose first language is not English; and

WHEREAS, The U. S. Supreme Court in the *Lau vs. Nichols* decision rendered January 21, 1974, declared that schools must make special provisions for students whose first language is not English; and

WHEREAS, The U. S. Department of Health, Education and Welfare promulgated rules and regulations which mandate state compliance with the *Lau vs. Nichols* case; and

WHEREAS, Noncompliance by the state will result in loss of needed federal revenues; and

WHEREAS, A lack of bilingually-trained teachers significantly impairs such bilingual instruction from being offered in the state; and

WHEREAS, Our state's colleges and universities are training a surplus of teachers in many other fields; and

WHEREAS, Senate Floor Resolution 1976-232 requires the Council for Post Secondary Education to review departments of education presently in existence at the state's colleges and universities to determine the feasibility of closing at least one of the departments due to the over-supply of trained teachers;

THEREFORE, BE IT RESOLVED, That the House of Representatives directs the Council for Post Secondary Education in its compliance with the Senate Floor Resolution to consider the need and feasibility of replacing any or all of the closed departments of education with departments of bilingual education, as determined by needs analysis; and

BE IT FURTHER RESOLVED, That the Council for Post Secondary Education work with the office of Superintendent of Public Instruction and the State Board of Education on need analysis for this area.

Mr. Charnley moved adoption of the resolution, and spoke in favor of it.

Mr. Leckenby spoke against adoption of the resolution.

Mr. Charnley spoke again in favor of the resolution, and Mr. Leckenby spoke again in opposition to it.

The resolution was adopted.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:
HOUSE BILL NO. 1443.

MESSAGE FROM THE SENATE

March 26, 1976

Mr. Speaker:

The Senate 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, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

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 we recommend that the bill do pass with the following amendments to the Senate Committee amendment:

On page 1, beginning on line 21 of the Senate committee amendment, strike all of section 2 and insert the following:

***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."

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" beginning with "implement," strike 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 implementations 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" beginning with "implement" strike all language down to and including "increase)" on line 19 and insert "effect, beginning on 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 pages 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 "(unclassified)" 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 to read as follows:

"(9) Notwithstanding the limitations contained within section 58(1)(d) of chapter 269, Laws of 1975, 1st ex. sess. (unclassified), if the department finds such action necessary to meet the requirements of section 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."

Renumber the remaining subsections consecutively.

On page 13, beginning on line 17 strike all of subsection (9) and renumber the remaining subsections consecutively.

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."

Renumber the 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 subsection 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 26, line 2 add a new section to read as follows:

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:

<u>ASSESSED VALUATION PER FTE STUDENT</u>	<u>PER FTE STUDENT ALLOCATION</u>
\$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."

Renumber the remaining sections consecutively.
 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 arts purposes" and insert "an inventory of museum holdings"
 On page 33, after line 27 insert a new section 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 remaining 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 this 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 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 insert a 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 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 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 remaining sections consecutively.

On page 37, line 15 add a new section to read as follows:

***NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

	Reapprop- riations	From the Fund Designated
(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 Contruction Account (HJR 52)	\$2,766,432
--	--------------

Renumber the remaining subsections consecutively.

On page 53, line 3 strike all of section 49 and insert the following:

*Sec. 49. Section 14, chapter 276, Laws of 1975, 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON STATE COLLEGE

	Reapprop- riations	From the Fund Designated
(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 fieldhouse portion of physical education complex: 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 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 renovations to Science/Isle buildings		
Eastern Washington State College Capital Projects Account		75,000*

Renumber the remaining sections consecutively.

On page 58, line 12 strike section 55 and insert the following:

"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 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."

Renumber the remaining sections consecutively.

Signed by Senators Donohue, Newschwander, Odegaard; Representatives Bagnariol, Shinpoch, Polk.

MOTION

Mr. Bagnariol moved that the House do adopt the report of the Free Conference Committee on Engrossed House Bill No. 1624.

Representatives Bagnariol and Hurley (George) spoke in favor of the motion, and Mr. Polk spoke against it.

The motion was carried.

**FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE**

The Speaker Pro Tem stated the question before the House to be the final passage of Engrossed House Bill No. 1624 as amended by the Free Conference Committee.

Mr. Bender demanded an oral roll call and the demand was sustained.

ROLL CALL

The Clerk 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 House by the following vote: Yeas, 53; nays, 30; not voting, 15.

Voting yea: Representatives Adams, Amen, Bagnariol, Bauer, Bausch, Becker, Bender, Blair, Boldt, Brown, Ceccarelli, Chandler, Charnley, Cochrane, Conner, Douthwaite, Ehlers, Eng, Erickson, Fortson, Gaines, Gaspard, Hanna, Hansen, Hendricks, Hurley G. S., Kilbury, King, Knowles, Laughlin, Lux, Martinis, Maxie, May, McKibbin, Moreau, North, O'Brien, Osterman, Parker, Patterson, Perry, Peterson, Sawyer, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Valle, Warnke, Wojahn, Zimmerman.

Voting nay: Representatives Barnes, Berentson, Bond, Charette, Clemente, Curtis, Deccio, Dunlap, Eikenberry, Fischer, Flanagan, Freeman, Gallagher, Greengo, Hawkins, Hayner, Hurley M., Jueling, Kalich, Leckenby, Lysen, Moon, Nelson, Newhouse, Pardini, Polk, Tilly, Whiteside, Williams, Wilson.

Not voting: Representatives Gilleland, Haley, Hansey, Hausssler, Jastad, Kuehne, Lee, Matthews, McCormick, Morgen, Paris, Randall, Schumaker, Seeburger, Smith R.

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.

MESSAGES FROM THE SENATE

March 26, 1976

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1527,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 26, 1976

Mr. Speaker:

The Senate 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, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

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, Odegaard; Representatives Polk, Shinpoch, Bagnariol.

MOTION

On motion of Mr. Shinpoch, the report of the Free Conference Committee was adopted.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker Pro Tem stated the question before the House to be final passage of Engrossed House Bill No. 1403 as amended by the Free Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1403 as amended by the Free Conference Committee, and the bill received the constitutional sixty percent majority, by the following vote: Yeas, 82; nays, 1; not voting, 15.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Hanna, Hansen, Hawkins, Hayner, Hendricks, Hurley G. S., Jueling, Kalich, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Martinis, Maxie, May, McKibbin, Moon, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Parker, Patterson, Perry, Peterson, Polk, Sawyer, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman.

Voting nay: Representative Hurley M.

Not voting: Representatives Gilleland, Haley, Hansey, Haussler, Jastad, Kuehnle, Lee, Matthews, McCormick, Morgen, Paris, Randall, Schumaker, Seeberger, Smith R.

Engrossed House Bill No. 1403 as amended by the Free Conference Committee, 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.

MESSAGES FROM THE SENATE

March 26, 1976

Mr. Speaker:

The Senate has concurred in the House amendment to SUBSTITUTE SENATE JOINT RESOLUTION NO. 139, and has passed the resolution as amended by the House.

Sidney R. Snyder, Secretary.

March 26, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1443,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

March 26, 1976

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1502 with the following amendments:

On page 1, 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;"

On line 6 of the title after "84.33.080;" insert "providing an expiration date;"

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 investments 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 consecutively.

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Shinpoch moved that the House do concur in the Senate amendments to House Bill No. 1502.

Representatives Shinpoch and Newhouse spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker Pro Tem stated the question before the House to be final passage of House Bill No. 1502 as amended by the Senate.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1502 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 77; nays, 6; not voting, 15.

Voting yea: Representatives Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Greengo, Hanna, Hansen, Hawkins, Hayner, Hendricks, Hurley G. S., Hurley M., Jueling, Kilbury, King, Knowles, Laughlin, Leckenby, Lux, Lysen, Maxie, May, McKibbin, Moreau, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Patterson, Perry, Peterson, Polk, Sherman, Shinpoch, Smith E. P., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman

Voting nay: Representatives Conner, Kalich, Martinis, Moon, Parker, Sawyer.

Not voting: Representatives Gilleland, Haley, Hansey, Haussler, Jastad, Kuehne, Lee, Matthews, McCormick, Morgen, Paris, Randall, Schumaker, Seeberger, Smith R.

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.

MOTION

On motion of Mr. Thompson, the House dispensed with further business under the Call of the House.

RESOLUTIONS

HOUSE RESOLUTION NO. 76-95, by Representatives Charette, Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley G., Hurley M., Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehne, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith E., Smith R., Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn and Zimmerman:

WHEREAS, Judge Robert Corpening Finley, respected member of the Washington State Supreme Court passed away at his home in Olympia yesterday; 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 Capitol 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 House of Representatives 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 Chief Clerk of the House of Representatives 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.

On motion of Mr. Charette, the resolution was adopted.

HOUSE RESOLUTION NO. 76-96, by Representatives Valle, Lux, Hawkins, Becker, Freeman, Zimmerman, Barnes, Dunlap, Chandler, Laughlin, Bender, McKibbin, Eng, Douthwaite and North:

WHEREAS, The seas of the world are an invaluable source of food and other resources;

WHEREAS, The lack of universally recognized long range policies for the management and sharing of the seas and their resources have fostered competition among nations to harvest such resources for short term advantages without regard to the disastrous long range consequences of such practices;

WHEREAS, Delegates from the nations of the world are now attending a United Nations conference on the law of the sea in an attempt to establish new international policies for the sharing of the seas;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That we respectfully request that the delegates of the United States of America to the Law of the Sea Conference be instructed and encouraged to direct all the energies and resources available to them to persuade the nations of the world to develop and adopt a universal agreement regulating the sharing of the seas and their resources.

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted to the Honorable Gerald R. Ford, President of the United States, the Honorable Henry Kissinger, Secretary of State, 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 Mrs. Valle, the resolution was adopted.

INTERIM COMMITTEE APPOINTMENT

The Speaker Pro Tem appointed Representative Nelson as liaison member of the Council for Post Secondary Education.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

HOUSE BILL NO. 1403,
HOUSE BILL NO. 1624.

MOTION

Mr. Thompson moved that the Rules Committee be relieved of SENATE CONCURRENT RESOLUTION NO. 136, and that it be placed on the second reading calendar.

Mr. Pardini moved that the motion by Mr. Thompson be amended and that SENATE JOINT RESOLUTION NO. 136 be placed on the second reading calendar.

RULING BY THE SPEAKER PRO TEM

The Speaker Pro Tem: "Representative Pardini, your motion is out of order; Senate Joint Resolution No. 136 is in the Committee on Ways and Means - Revenue."

MOTION

Mr. Pardini moved that the motion by Representative Thompson be further amended, and that the words "Rules Committee" be deleted and substituted with "Committee on Ways and Means - Revenue."

With the consent of the House, Mr. Pardini withdrew both of his motions.

The motion by Mr. Thompson was carried.

MOTION

Mr. Pardini moved that the Committee on Ways and Means - Revenue be relieved of SENATE JOINT RESOLUTION NO. 136, and that it be placed on the second reading calendar for immediate consideration.

Representatives Pardini and Polk spoke in favor of the motion, and Representatives Shinpoch and Hurley (George) spoke against it.

Mr. Pardini spoke again in favor of the motion.

The motion was lost.

MESSAGE FROM THE SENATE

March 26, 1976

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE JOINT RESOLUTION NO. 139,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

SUBSTITUTE SENATE JOINT RESOLUTION NO. 139.

MESSAGE FROM THE SENATE

March 26, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1403,

HOUSE BILL NO. 1624,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

HOUSE BILL NO. 1502,

HOUSE BILL NO. 1527.

RESOLUTION

HOUSE RESOLUTION NO. 76-92, by Representatives Thompson and Newhouse:

BE IT RESOLVED, By the House of Representatives, That a committee of three be appointed to notify the Senate that the House is about to adjourn sine die.

On motion of Mr. Thompson, the resolution was adopted.

APPOINTMENT OF COMMITTEE

Under the provisions of House Resolution No. 76-92, the Speaker Pro Tem appointed Representatives Maxie, May and Newhouse to notify the Senate that the House was about to adjourn sine die.

SECOND 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.), 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.

The resolution was read the second time.

On motion of Mr. Thompson, the rules were suspended, the second reading considered the third, and Senate Concurrent Resolution No. 136 was placed on final passage and adopted.

APPOINTMENT OF COMMITTEE

Under the provisions of Senate Concurrent Resolution No. 136, the Speaker Pro Tem appointed Representatives Conner, Laughlin and Brown to notify the Governor, with a committee from the Senate, that the Legislature was ready to adjourn sine die.

MESSAGE FROM THE SENATE

March 26, 1976

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1502,

HOUSE BILL NO. 1527,

SENATE CONCURRENT RESOLUTION NO. 136,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

RESOLUTION

HOUSE RESOLUTION NO. 76-93, by Representatives Thompson and Newhouse:

BE IT RESOLVED, By the House of Representatives, That all bills in possession of the Chief Clerk, committees or committee clerks be indefinitely postponed.

On motion of Mr. Thompson, the resolution was adopted.

REPORT OF SPECIAL COMMITTEE

The committee appointed to notify the Senate that the House was about to adjourn sine die, appeared before the bar of the House and stated they had accomplished their mission.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE

A committee from the Senate appeared before the bar of the House and notified the House that the Senate was about to adjourn sine die.

The message was received, and the committee retired.

SIGNED BY THE SPEAKER

The Speaker Pro Tem announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 136.

REPORT OF SPECIAL COMMITTEE

The committee appointed to notify the Senate that the Legislature was about to adjourn sine die, appeared before the bar of the House and stated they had accomplished their mission.

The report was received and the committee was discharged.

MOTION

On motion of Mr. Thompson, reading of the Journal of the Eighty-second Day of the Second Extraordinary Session of the Forty-fourth Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mr. Thompson, the House of Representatives of the Second Extraordinary Session of the Forty-fourth Legislature adjourned sine die.

JOHN L. O'BRIEN, Speaker Pro Tempore.

DEAN R. FOSTER, Chief Clerk.

JOURNAL OF THE HOUSE

HOUSE LEGISLATIVE LEADERS – 1975–76

Speaker	Leonard A. Sawyer
Speaker Pro Tempore	John L. O'Brien
Majority Floor Leader	Robert L. Charette
Majority Whip	Paul H. Conner
Majority Caucus Chairman	William "Bill" Chatalas
Assistant Majority Floor Leader	Alan Thompson
Assistant Majority Whip	Marcus Gaspard
Assistant Majority Whip	Rick Bender
Majority Caucus Secretary	Lorraine Wojahn
Minority Leader	Irving Newhouse
Minority Caucus Chairman	Bob Curtis
Minority Whip	A. J. "Bud" Pardini
Assistant Minority Leader	Kenneth O. Eikenberry
Assistant Minority Leader	Duane Berentson
Minority Organization Leader	William Polk
Minority Caucus Vice Chairman	Don Hansey
Assistant Minority Whip	Jeannette Hayner
Minority Caucus Coordinator	Kemper Freeman, Jr.

APPENDIX
HOUSE ROSTER - 1975-76
FORTY-FOURTH SESSION

NAME OF MEMBER	Mailing Address	Age	Birthplace	Occupation	Dis- trict	Poli- tics	County	Previous Sessions served
Adams, A. A.	601 No. Yakima Tacoma 98403.	74	Washington	Retired Chiropractor	27 D		Pierce, pt	1969 thru 1975 Ex.
Amen, Otto	Rt. 1, Box 45 Ritzville 99169	62	Washington	Farmer, Pharmacist	9 R		Adams, Asotin, Garfield, Columbia, pt. Grant, pt Whitman, pt	1967 thru 1975 Ex.
Bagnariol, John	2008 S.E. 17th Ct. Renton 98055	42	Washington	Insurance	11 D		King, pt	1967 thru 1975 Ex.
Barnes, Richard O.	18118 6th Ave. SW Seattle 98166	53	Iowa	Systems Analyst	33 R		King, pt	1975 Ex.
Bauer, Albert	13611 N.E. 20th Vancouver 98664	46	Montana	Teacher	49 D		Clark, pt.	1971 thru 1975 Ex.
Bausch, Del	Rt. 3, Box 845 Olympia 98506	39	Washington	Safety Inspector	22 D		Thurston, pt.	1973 thru 1975 ex.
Becker, Mary Kay	P.O. Box 81 Bellingham 98225	28	Washington	Writer	42 D		Whatcom, pt	1975-75 Ex.
Bender, Rick S	3511 N.E. 158th Pl. Seattle 98155	25	Alaska	Student	1 D		King, pt Snohomish, pt	1973 thru 1975 Ex.
Berentson, Duane L	P. O. Box 426 Burlington 98233	46	Washington	Broker, Dealer in Securities	40 R		San Juan Skagit Whatcom, pt	1963 thru 1975 Ex.
Blair, Scott	8712 25th N.E. Seattle 98115	44	Washington	Mechanical Engineer	46 R		King, pt	1971 thru 1975 Ex.

<p>Boldt, Jim</p>	<p>2401 W. Canal Dr. Kennewick 99336</p>	24	Washington	Real Estate	8 D	<p>Benton Yakima, pt</p>	1975-75 Ex.
<p>Bond, R. M.</p>	<p>N. 411 Havana St. Spokane 99202</p>	50	Washington	Gas Company President	6 R	Spokane, pt	1975-75 Ex.
<p>Brown, Arthur C</p>	<p>6626 NE 182nd Seattle 98155</p>	53	Georgia	Systems Analyst	1 R	<p>King, pt. 1969 thru Snohomish, pt</p>	1975 Ex.
<p>Ceccarelli, Dave</p>	<p>1330 Harbor Ave. S.W. Seattle 98116</p>	41	Washington	Real Estate	34 D	King, pt	1967 thru 1975 Ex.
<p>Chandler, Rod</p>	<p>13003 N.E. 143rd Kirkland 98033</p>	32	Oregon	Banker	45 R	King, pt	1975-75 Ex.
<p>Charette, Robert L</p>	<p>P. O. Box 63 Aberdeen 98520</p>	51	Washington	Attorney	19 D	<p>Pacific, Grays Senate 1963 thru Harbor, pt</p>	1965 Ex. House-1967 thru 1975 Ex.
<p>Charnley, Donn</p>	<p>19344 11th Ave. Seattle 98177</p>	46	Michigan	Professor	44 D	King, pt	1971 thru 1975 Ex.
<p>*Chatalas, Wm. "Bill"</p>	<p>4803 42nd So. Seattle 98118</p>	67	Turkey	Real Estate Broker & Business Consultant	35 D	King, pt	1961 thru 1975 Ex.
	<p>*Resigned, 7/23/75</p>						
<p>Clemente, Art</p>	<p>4422 228th S.E. Bothell 98011</p>	47	Washington	King County Labor Council	39 D	<p>King, pt. 1973 thru Snohomish, pt</p>	1975 Ex.
<p>Cochrane, Pat</p>	<p>1636 Howell Ave. Richland 99352</p>		Montana	Bookstore Owner	8 D	<p>Benton Yakima, pt</p>	1975-75 Ex.

NAME OF MEMBER	Mailing Address	Age	Birthplace	Occupation	Dis- trict	Poli- tics	County	Previous Sessions served
Conner, Paul H	Rt. 4, Box 355 Sequim 98382	49	Washington	Real Estate Logger	24	D	Clallam, Mason Jefferson Thurston,pt	Senate 1957 1959 thru 1975 Ex.
Curtis, Robert "Bob"	P. O. Box 0188 East Wenatchee	41	Washington	Travel Agent	12	R	Chelan, Douglas Grant, pt. Okanogan,pt	1969 thru 1975 Ex.
Deccio, Alex	P.O. Box 1343 Yakima 98901	47	Washington	Insurance Broker	15	R	Yakima, pt.....	1975-75 Ex.
Douthwaite, Jeff	5518 31st N.E. Seattle 98105	45	Canada	Professor	43	D	King, pt	1971 thru 1975 Ex.
Dunlap, Ron	3129 109th S.E. Bellevue 98004	37	Indiana	Engineer/ Economist	41	R	King, pt	1975-75 Ex.
Ehlers, Wayne	14301 S. Yakima Parkland 98444	36	Washington	Educator	2	D	Pierce, pt. Thurston, pt	1973 thru 1975 Ex.
Eikenberry, Kenneth O	1644 32nd West Seattle 98199	42	Washington	Attorney	36	R	King, pt	1971 thru 1975 Ex.
Eng, John	P.O. Box 18088 Seattle 98118	32	Hong Kong	Accountant	37	D	King, pt	1973 thru 1975 Ex.
Erickson, Phyllis K.	P.O. Box 44487 Parkland 98444	51	Texas	Homemaker	2	D	Pierce, pt Thurston, pt	1973 thru 1975 Ex.
Fischer, John M.	23424 88th W. Edmonds 98020	51	Washington	Pharmacist	21	D	Snohomish, pt	1975-75 Ex.
Flanagan, S.E."Sid"	Rt. 1, Box 205 Quincy 98848	65	Washington	Farmer, Cattleman	13	R	Kittitas Grant, pt Yakima,pt	1961 thru 1975 Ex.
Fortson, Eleanor A.	4008 SW Camano Dr. Camano Island	67	Washington	Homemaker	10	D	Island Snohomish, pt	1973 thru 1975 Ex.

Freeman, Jr. Kemper	P.O. Box 1012 Bellevue 98009	33	Washington	Shopping Center Leasing	48 R	King, pt	1973 thru 1975 Ex.
Gaines, Robert E	336 Park Ave. Auburn 98002	51	Montana	Mgr-Auburn Chamber/Comm.	30 D	King, pt	1973 thru 1975 Ex.
Gallagher, P.J. "Jim"	125 S. 72nd Tacoma 98408	59	Washington	Public Relations	29 D	Pierce, pt	1961 thru 1975 Ex.
Gaspard, Marc	1313 25th N.E. Puyallup 98371	26	Washington	Student	25 D	King, pt Pierce, pt	1973 thru 1975 Ex.
Gilleland, James E	3234 Hunts Pt. Rd. Bellevue 98004	57	Washington	Owner/Pres. Oil Company	48 R	King, pt	1971 thru 1975 Ex.
Greengo, Irv	3203 N.E. 88th Seattle 98115	49	Iowa	Boeing Engineer	46 R	King, pt	1975-75 Ex.
Haley, Ted	5800 100th S.W. Tacoma 95499	54	Washington	Physician	28 R	Pierce, pt	1975-75 Ex.
Hanna, Ron	P.O. Box 5313 Tacoma 98405	37	Washington	Dir. Probation Department	26 D	Kitsap, pt Pierce, pt	1975-75 Ex.
Hansen, Frank "Tub"	Star Rt. Moses Lake 98837	60	Washington	Rancher	13 D	Kittitas, Grant, pt Yakima, pt	1973 thru 1975 Ex.
Hansey, Donald G	P.O. Box 1058 Bellingham 98225	45	Washington	Poultry, Hatcheryman	40 R	Whatcom	1971 thru 1975 Ex.
						Ferry, Lincoln Pend Oreille	

NAME OF MEMBER	Mailing Address	Age	Birthplace	Occupation	Dis- trict	Poli- tics	County	Previous Sessions served
Haussler, Joe D	Box 949 Omak 98841	72	Texas	Orchardist	7	D	Stevens Okanogan, pt	1963 thru 1975 Ex.
Hawkins, John R	3102 N. Monroe Tacoma 98407	32	Washington	Planner	26	D	Kitsap, pt Pierce, pt	1975 Ex.
Hayner, Jeannette C	830 E. Chestnut WallaWalla 99362	55	Oregon	Homemaker	16	R	Franklin Walla Walla Columbia, pt	1973 thru 1975 Ex.
Hendricks, John L	1923 Water St. Olympia 98501	61	Washington	Pharmacist	22	R	Thurston, pt	1973 thru 1975 Ex.
Hurley, George S	10709 1st Ave. N.W. Seattle 98177	67	Washington	Retired	44	D	King, pt	1943 thru 1945 Ex.
Hurley, Margaret	730 E. Boone Ave. Spokane 99202		Minnesota	Educator	3	D	Spokane, pt	1961 thru 1975 Ex.
Jastad, Elmer	Box 67 Morton 98356	68	Washington	Pharmacist	20	D	Lewis, Wahkiakum Cowlitz, pt Pacific, pt Thurston, pt	1965 thru 1975 Ex.
Jueling, Helmut L	5212 S. Tacoma Way Tacoma 98466	61	Nebraska	Owner/White Hand Linen Supply	28	R	Pierce, pt	1961 thru 1975 Ex.
Kalich, Hugh	2224 18th Ave. Chehalis 98532	53	Washington	Real Estate	20	D	Lewis, Wahkiakum Cowlitz, pt Pacific, pt Thurston, pt	1965 thru 70 Ex. 1973 thru 1975 Ex.
Kilbury, Charles D	Box 2482 Pasco 99302	55	Washington	Insurance Broker	16	D	Franklin Walla Walla Columbia, pt	1971 thru 1975 Ex.

King, Richard A	309 77th Pl. SW Everett 98201	40	Washington	College Teacher	38 D	Snohomish, pt	1965 thru 1975 Ex.
Knowles, Walt O	W. 911 Sprague Spokane 99204	58	Washington	Attorney	4 D	Spokane, pt Whitman, pt	1971 thru 1975 Ex.
Kuehnle, James P	S. 1122 Skyline Pl. Spokane 99206	50	Iowa	Real Estate	4 R	Spokane, pt Whitman, pt	1969 thru 1975 Ex.
Laughlin, Eugene L	P.O. Box 534 Camas 98607	36	Illinois	Teacher	17 D	Klickitat Skamania Clark, pt	1973 thru 1975 Ex.
Leckenby, Bill	727 Washington Bldg. Seattle 98101	64	Washington	Chairman Leckenby Co.	34 R	King, pt	1967 thru 1970 Ex. 1973 thru 1975 Ex.
Lee, Eleanor	P.O. Box 66274 Burien 98166	43	Illinois	Business Manager	33 R	King, pt	1975-75 Ex.
*Luders, Edward T	N. 5620 Moore Spokane 99208	46	Washington	Teacher	5 D	Spokane, pt	1971 thru 1975 Ex.
	* Resigned, 1/25/76						
Lux, Eugene V	11675 Beacon Ave. So. Seattle 98178	49	Nebraska	Self-employed	35 D	Senate 1973 King, pt	Appointed
Lysen, King	12844 Shorecrest Dr. S.W. Seattle 98146	32	Minnesota	Real Estate	31 D	King, pt	1971 thru 1975 Ex.
Martinis, John	1917 Broadway Everett 98201	44	Washington	Retail Merchant	38 D	Snohomish, pt	1969 thru 1975 Ex.

NAME OF MEMBER	Mailing Address	Age	Birthplace	Occupation	Dis- trict	Poli- tics	County	Previous Sessions served
Matthews, Gary Lee	14157 123rd Ave. N.E. Kirkland 98033	30	Washington	Health Care Administrator	45 R		King, pt	1973 thru 1975 Ex.
Maxie, Peggy Joan	3302 E. Pine Seattle 98122	38	Texas	Central Area Council on Alcoholism	37 D		King, pt	1971 thru 1975 Ex.
May, William J.S	W. 3231 Boone Ave. Spokane 99201	72	England	Retired	3 D		Spokane, pt	1961 thru 1975 Ex.
McCormick, Geraldine	1829 Northridge Ct. Spokane 99208		Washington	Homemaker	5 D		Spokane, pt	1969 thru 1975 Ex.
McKibbin, John S	11205 N.E. 10th Ave. Vancouver 98665	27	California	Teacher	49 D		Clark, pt	1975-75 Ex.
Moon, Charles	Rt. 2, Box 427A Snohomish 98290	51	Wyoming	Veterinarian	39 D		King, pt Snohomish, pt	1963 thru 1975 Ex.
Moreau, Art	2101 Erie Bellingham	37	Washington	Georgia Pacific	42 D		Whatcom, pt	1975-75 Ex.
Morgen, Gladys H	W. 2311 Walton Spokane 99205		No. Dakota	Bookkeeper	5 D		Spokane, pt	Appointed
Nelson, Gary A	18423 High St. Edmonds 98020	38	Washington	Engineer Supr. Technical Ed.	21 R		Snohomish, pt	1973 thru 1975 Ex.
Newhouse, Irving	Rt. 1, Box 130 Mabton 98935	54	Washington	Diversified Ranching	15 R		Yakima, pt	1965 thru 1975 Ex.
North, Frances	Box 441 North Bend 98045	55	Washington	Homemaker	47 D		King, pt	1973 thru 1975 Ex.
O'Brien, John L	1305 Joseph Vance Bldg. Seattle 98101	63	Washington	CPA	35 D		King, pt	1941 thru 1945 1949 thru 1975 Ex.

Osterman, Leona Savage	Rt. 3, Box 249 Shelton 98584		Washington	Secretary	24 D	Clallam, Mason Jefferson Thurston, pt	Appointed
Pardini, A. J "Bud"	E. 1625 20th Spokane 99203	42	Pennsylvania	Bank Executive	6 R	Spokane, pt	1969 thru 1975 Ex.
Paris, William	620 Oregon Way Longview 98632	47	Oklahoma	Minister	18 R	Cowlitz, pt Clark, pt	1971 thru 1975 Ex.
Parker, Mike	5434 So. I Tacoma 98408	27	Washington	Medical Service Rep.	29 D	Pierce, pt	1973 thru 1975 Ex.
Patterson, E.G. "Pat"	N.E. 400 Campus Pullman 99163	55	Washington	Director Alumni Relations	9 R	Adams, Asotin, Garfield, Columbia, pt Grant, pt Whitman, pt	1973 thru 1975 Ex.
Perry, Robert A	1154 N. 92nd St. Seattle 98103	53	New York	Electrical Construction	32 D	King, pt	1959 thru 1975 Ex.
Peterson, Warren E	1927 25th Ave. E. Seattle 98112	34	Tennessee	Financial Systems Sup.	43 R	King, pt	1975-75 Ex.
Polk, William M	7220 92nd Ave. SE Mercer Island	39	Texas	Architect	41 R	King, pt	1971 thru 1975 Ex.
Randall, Robert W	2528 Wheaton Way Bremerton 98310	53	Illinois	Optometrist	23 D	Kitsap, pt	1969 thru 1975 Ex.

NAME OF MEMBER	Mailing Address	Age	Birthplace	Occupation	Dis- trict	Poli- tics	County	Previous Sessions served
*Savage,	2011 King St.						Clallam, Mason Jefferson	1939 thru 1944 Ex. 1951 thru 1955 Ex. 1963 thru 1965 Ex.
Charles R.	Shelton 98584	68	Wisconsin	Logging	24	D	Thurston, pt	1969 thru 1975 Ex.
* Deceased, 1/14/76								
Sawyer,	3205 W. Lake Tapps Dr.						King, pt	1955 thru
Leonard A.	Sumner 98390	49	Washington	Attorney	25	D	Pierce, pt	1975 Ex.
							Ferry, Lincoln Pend Oreille Stevens	
Schumaker,	208 W. 5th			Sporting			Okanogan, pt	1969 thru
Wm. "Bill"	Colville 99114	59	Washington	Goods	7	R	Spokane, pt	1975 Ex.
Seeberger,	2506 W. Yakima Ave.							
Ed	Yakima 98902	37	No. Dakota	Attorney	14	D	Yakima, pt	1975-75 Ex.
Sherman,	24629 S.E. 200th							
Marion Kyle	Maple Valley	49	Washington	Writer	47	D	King, pt	1975-75 Ex.
Shinpoeh,	361 Maple Ave. N.W.			Industrial				1970 Ex. thru
A.N. "Bud"	Renton 98055	50	Oklahoma	Engineer	11	D	King, pt	1975 Ex.
Smith,	511 2nd Ave.			Education			Grays Harbor	
Edward P.	Aberdeen 98520	56	Washington	Consultant	19	D	Pacific, pt	1975-75 Ex.
Smith,	P.O. Box 68							1973 thru
Rick	Silverdale 98383	33	Oregon	Attorney	23	D	Kitsap, pt	1975 Ex.
Sommers,	2516 14th W.							1973 thru
Helen	Seattle 98119	42	New Jersey	Economist	36	D	King, pt	1975 Ex.
Thompson,	112 Pleasant Hill Lane						Cowlitz, pt	1965 thru
Alan	Kelso 98626	47	Iowa	Publisher	18	D	Clark, pt	1975 Ex.

Tilly, Earl F	P.O. Box 1845 Wenatchee 98801	40	Oregon	Mgr/Tilly Equipment	12 R	Chelan, Douglas Grant, pt Okanogan, pt	1973 thru 1975 Ex.
Valle, Georgette	1434 S.W. 137th Seattle 98166	50	Minnesota	Homemaker	31 D	King, pt	1965 thru 1965 Ex. 1973 thru 1975 Ex.
Warnke, Frank J.	29457 51st So. Auburn 98002	41	Montana	Exec. Dir. Public School Emp.	30 D	King, pt	1965 thru 1965 Ex. 1973 thru 1975 Ex.
Whiteside, Jim	3612 Howard Ave. Yakima 98902	50	Washington	Owner, Home Cleaning Bus.	14 R	Yakima, pt.	1975-75 Ex.
Williams, Alvin C.	4801 Fremont N. Seattle 98103	44	No. Dakota	Architect	32 D	King, pt	1970 Ex. thru 1975 Ex.
Wilson, Simeon "Sim"	P.O. Box 145 Marysville 98270	47	Oregon	Newspaper Publisher	10 R	Island Snohomish, pt	1973 through 1975 Ex.
Wojahn, Lorraine	3592 E. Kay St. Tacoma 98404	54	Washington	Public Relations	27 D	Pierce, pt	1969 through 1975 Ex.
Zimmerman, Harold S	1432 N.E. 6th Ave. Camas 98607	51	No. Dakota	Newspaper Ed.- Publisher	17 R	Klickitat Skamania Clark, pt	1967 through 1975 Ex.

Name of Officer	Title	Mailing Address	County	Birthplace	Age	Occupation	Previous Sessions
Foster, Dean R	Chief Clerk	Leg. Bldg. Olympia 98504	Thurston	Washington	33	Chief Clerk	1973 thru 1975 Ex.
Wilson, Donald R	Assistant Chief Clerk	Rt. 3, Box 271 Olympia 98501	Thurston	Washington	53	Locomotive Engineer	Senate 1959-70 House 1970-75
Young, Ross	Sergeant at Arms	620 O'Farrell Olympia 98501	Thurston	Washington	45	Retired U.S.A.F.	1975-75 Ex.

JOURNAL OF THE HOUSE

HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE SHOWING THE ACTION BY THE GOVERNOR THEREON

Forty-Fourth Legislature - 1975-76
Second Extraordinary Session

House No.	Relating to:	Chapter No.	Effective Date
	38 Public officials recall	47	6/25/76
	70 Boxing, wrestling, telecasts	48	6/25/76
*S	75 Deputy voter registrars	PV 129	2/1/77
S	77 Election law revisions	120	3/25/76
S	90 Coin-op. gaming devices, tax	87	3/11/76
	271 Sales, B&O tax, temporary increase	130	4/19/76
	425 Prevailing wages statement	49	6/25/76
S	455 Marine fuel tax study	50	2/21/76
	671 Timber tax distrib. dates	33	2/20/76
S	676 Shoreline management proced	51	6/25/76
2S	721 Solid waste disposal	58	2/27/76
	739 Traveler's checks	59	6/25/76
S	769 Domestic winery wholesaling	62	6/25/76
S	771 Liquor, goodwill activities	74	7/1/76
S	779 State employees' insur	106	6/25/76
S	802 Travel expenses, uniform	34	7/1/76
	840 Camper/trlr excise tax	75	6/25/76
	971 Leaseholds, taxing	61	3/1/76
	1166 Tax collection date	10	2/16/76
	1229 Contractors' use tax	1	7/25/76
	1230 Pub. empl. relations com	5	Various
	1237 Boarding home aged resid	52	6/25/76
	1240 DSHS capital const. approp	6	9/9/75
	1242 School levy adjustments	7	9/9/75
	1243 Pierce Co., tax refund	8	9/9/75
	1244 Corneas, eye banks, coroners	60	2/27/76
	1255 Vol. firemen pensions	76	6/25/76
	1257 Municipal judge require	35	6/25/76
	1259 Agricultural water supplies	36	2/20/76
	1266 Judges, Lewis County	79	3/6/76
	1272 Minibus car pools	121	6/25/76
	1291 School buses, 40 feet	53	6/25/76
S	1299 Historic bldgs., code modif	11	6/25/76
	1311 County assessor audits	94	3/13/76
	1313 Library networks revolving fund	110	7/1/77
	1314 Pupil discipline	97	6/25/76
*2S	1316 Senior citizen care services	PV 131	6/25/76
S	1329 Public disclosure, rev	112	3/22/76
	1340 Traffic law violations	95	3/13/76
	1342 Criminal defendants	96	6/25/76
	1343 Legislators' salaries	113	6/25/76
	1344 Uni'form fire code	37	2/20/76
S	1345 Education, priority prog	98	7/1/76
S	1347 Criminal code, tech. errors	38	7/1/76
	1355 Employee suggestion program	122	6/25/76
	1356 Education, RCW corrections	15	2/18/76
	1357 Teachers retire., RCW correc	16	2/18/76
	1358 State gov., RCW corrections	17	2/18/76
	1359 Motor veh., RCW corrections	18	2/18/76
	1360 Indus. ins., RCW corrections	19	2/18/76
	1361 Alcoholic bev. RCW corrections	20	2/18/76

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House No.	Relating to:	Chapter No.	Effective Date
S	1364 School certif. empl	114	6/25/76
S	1366 Mount Si preservation	88	6/25/76
	1376 Warrants, lost, bond require	77	6/25/76
	1382 Staggered vehicle regis	54	1/1/77
	1403 DSHS facilities, bonds	125	4/15/76
	1404 Schools, real property	80	6/25/76
	1434 Outdoor advertising	55	6/25/76
	1436 Electricians, speciality	39	6/25/76
	1440 Higher ed., bonds authorized	126	4/15/76
	1441 Community college bonds author	107	3/19/76
	1443 Fisheries dept., bonds author	132	4/19/76
S	1470 Medical malpractice, actions	56	6/25/76
	1496 Highways, toll bridge approp	89	3/11/76
*	1497 Insolvent insurers	PV 109	6/25/76
	1502 Timber tax funds A&B	123	3/26/76
	1505 Property tax exemptions, late	127	4/15/76
	1527 Discovery Park, lodge, bonds	128	4/16/76
*	1529 County ferry systems	PV 57	6/25/76
S	1544 Insurance, revisions	119	6/25/76
S	1612 Local government, rules	99	6/25/76
*	1624 Supplemental state gov. budget	PV 133	4/19/76

* Action by Governor

JOURNAL OF THE HOUSE

HOUSE MEMORIALS AND RESOLUTIONS PASSED BY BOTH HOUSE AND SENATE

Forty-Fourth Legislature - 1975-76
Second Extraordinary Session

No. Subject:

HOUSE JOINT MEMORIALS

None passed

HOUSE JOINT RESOLUTIONS

64 County home rule charters

HOUSE CONCURRENT RESOLUTIONS

36 Legislature organized
39 Legislature recess; subpoena powers
42 Governor's message, joint session
43 Bills, reintroduced
44 Secretary of State election, joint session
50 Consideration of HB 1544 allowed
51 Consideration of HB 1612 allowed
53 Consideration of EHB 1497 allowed
54 Consideration of SSB 3097 allowed
55 Consideration of SB 3032 allowed

JOURNAL OF THE HOUSE

SENATE BILLS PASSED BY BOTH HOUSE AND SENATE SHOWING THE ACTION BY THE GOVERNOR THEREON

Forty-Fourth Legislature - 1975-76
Second Extraordinary Session

Senate No.	Relating to:	Chapter No.	Effective Date
*S	2006 Veterans' affairs dept	115	6/25/76
		Veto Override	
S	2038 Environ. hazardous wastes	101	6/25/76
	2060 Purchasing, material control	21	2/20/76
S	2088 Smelt dealers' licenses	40	1/1/77
S	2130 Recycling, waste	41	6/25/76
S	2243 Uniform parentage act	42	6/25/76
	2440 Prison terms board actions	63	6/25/76
	2537 Handicapped drivers	102	3/16/76
S	2635 Personnel bd. hearing exam	43	6/25/76
	2660 Nature conservancies	22	6/25/76
	2742 College police benefits	81	6/25/76
S	2963 State patrol, retirement	116	6/25/76
	2971 Emergency school financing	2	8/9/75
	2978 Elections, unexpired terms	3	8/11/75
	2980 State election cost payment	4	9/9/75
	2989 Election schedules	111	6/25/76
*	2990 Coin-operated gaming devices	Vetoed	
	2994 School assoc., mortgages	23	6/25/76
S	2996 Election day, not holiday	24	2/20/76
	3000 County property, crimes	25	6/25/76
S	3001 Firemen's pension boards	44	6/25/76
S	3003 Archaeological resources	82	6/25/76
	3009 School dist. contract bids	26	6/25/76
	3017 Mental health facilities	93	3/12/76
	3026 Learning objectives	90	6/25/76
	3032 Hospital district contracts	78	6/25/76
	3033 Hospital mutual corporations	13	6/25/76
	3036 Vehicle identif. laws	91	7/1/76
	3038 Loitering, schools	100	6/25/76
	3040 Emergency appropriations	83	6/25/76
	3047 Industrial insurance	45	6/25/76
	3056 Election officers	46	6/25/76
	3058 PKU tests, newborn infants	27	6/25/76
	3061 Collective barg., negotiations	14	6/25/76
	3066 Autopsy remains, disposition	28	6/25/76
	3067 Unlicensed drivers	29	6/25/76
	3070 Truck tonnage license fees	64	Various
	3074 County ferry state franchise	65	3/2/76
	3076 Attorneys' fees, statutory	30	6/25/76
	3091 Teacher certification	92	6/25/76
	3094 Washington library network	31	6/25/76
S	3097 Govt. decisions, econ. impact	117	6/25/76
	3116 Incurrigible children	71	6/25/76
*S	3127 School district budgets	PV	118
	3129 Joint power projects	72	6/25/76
	3138 Interschool athletics	32	6/25/76
	3148 Highway construction bonds	66	6/25/76
	3149 Toxicological lab funds	84	6/25/76
S	3158 Civil air patrol approp	73	3/4/76

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Senate No.	Relating to:	Chapter No.	Effective Date
*S 3172	Energy policy commission	PV 108	3/15/76
S 3226	Schools, short fiscal year	124	4/15/76
*S 3233	U of W liability insur	PV 12	6/25/76
S 3246	Retirement systems	105	3/19/76
	3247 Volunteer fire depts	67	6/25/76
	3257 Teachers' retirement	85	3/6/76
	3261 Financial disclosure	104 Ref. 36	
S 3267	Vocational education comm	86	6/25/76
S 3268	Accrued revenue reserve	70	6/25/76
S 3271	Business coordination act	68	6/25/76
S 3274	Toll bridge auth. pub. facil	69	6/25/76
	3281 Narcotic farm colony	103	6/25/76

* Action by Governor

JOURNAL OF THE HOUSE

SENATE MEMORIALS AND RESOLUTIONS PASSED BY BOTH HOUSE AND SENATE

Forty-Fourth Legislature - 1975-76
Second Extraordinary Session

No. Subject:

SENATE JOINT MEMORIALS

112 School finance reorganization

SENATE JOINT RESOLUTIONS

137 School levies, two-year period
S-139 Legislators' salaries

SENATE CONCURRENT RESOLUTIONS

120 Legislature recess until Sept. 5
122 Employment counsel in veto contest
124 Legislature recess until January '76
125 Bills, introduced, consideration, cutoff
127 Police officers' widows
129 Consideration of SB 300271 allowed
130 Consideration of SB 300247 allowed
131 Consideration of HJR 64 allowed
132 American Legion Week
135 Governor's veto contested
136 Adjournment sine die

JOURNAL OF THE HOUSE

GOVERNOR'S MESSAGES ON HOUSE BILLS VETOED AND PARTIALLY VETOED

Second Extraordinary Session - 1975-76

April 19, 1976

To the Honorable, the House
of Representatives of the
State of Washington
(Through the Secretary of State)
Ladies and Gentlemen:

I am returning herewith without my approval as to one section Substitute House Bill No. 75 entitled:

"AN ACT Relating to elections."

Section 4 of the bill requires precinct boundaries to be established along clearly identifiable physical boundaries.

At the present time, precinct boundaries are set, to the greatest extent possible, along the lines of school district boundaries and the boundaries of other such taxing districts. Such boundaries eliminate, or greatly reduce, the incidence of "split precincts" where a precinct contains two or more voting jurisdictions, each of which impacts some, but not all of the voters in that precinct. Present boundaries do not necessarily follow clear physical boundaries. To require a change from the present system with no consideration of the problems of splitting precincts would create unnecessary confusion for voters and could result in serious disruptions of the election process.

I recognize that there are distinct advantages to setting precinct boundaries according to identifiable physical boundaries for census and redistricting purposes. I believe, however, that before the Legislature passes this requirement into law, care should be taken to minimize adverse consequences by consultation with state and local election officials.

With the exception of section 4, which I have vetoed for the foregoing reasons, the remainder of Substitute House Bill No. 75 is approved.

Respectfully submitted,
Daniel J. Evans
Governor

March 19, 1976

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith without my approval as to one section House Bill No. 1497 entitled:

"AN ACT Relating to the insolvency of insurers."

This bill makes a number of changes in the insurance code relating to insolvent insurance companies and the distribution of assets in liquidation proceedings. Section 12 is an emergency clause providing for the bill to go into effect immediately. I have decided to veto this section for reasons to be stated, but I do so with some reluctance because it is my understanding that there are a number of insurance companies across the country which also do business in this state on the verge of insolvency, and the provisions of this bill will be needed in the event any of those companies become insolvent in the coming weeks.

However, it has been brought to my attention that sections 1 and 10 of the bill may inadvertently and adversely affect the legal remedies of some 1400 residents of this state involved in pending litigation in federal district court against an insolvent insurance company and its officers. The suit, entitled Amman, et al. v. Cissna, Civil Action No. 7452 in the Western District of the U.S. District Court, is a long pending class action that is now approaching final disposition. I have been assured by several of the sponsors of the bill and the Office of the Insurance Commissioner, who participated in the drafting of the bill, that sections 1 and 10 were not intended to apply to existing claims and pending litigation. Apparently statements to that effect were also made to legislative committees considering the bill. There is no clear indication to that effect, however, in the bill itself.

By vetoing the emergency clause, it is my hope that sufficient time will be allowed the plaintiffs in the above cited case to reduce their claims to final judgment, since only the issue of

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damages remains and a final determination on that issue by the court is due shortly. In addition, it is my intention through this message to reiterate the legislative intent as it has been stated to me by the proponents of the measure that sections 1 and 10 of the bill do not apply to existing claims and pending litigation such as the Ammans case.

For the foregoing reasons, I have determined to veto section 12. With that exception, the remainder of the bill is approved.

Sincerely,
Daniel J. Evans
Governor

For Veto Message on House Bill No. 1529 see page 561

April 19, 1976

To the Honorable, the House
of Representatives of the
State of Washington
(Through the Secretary of State)
Ladies and Gentlemen:

I am returning herewith without my approval as to certain sections and items House Bill No. 1624 entitled:

"AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977."

The specific sections and items which I have vetoed are as follows:

1. House of Representatives - property tax study.

On page 2, section 2, I have vetoed subsection (2) which provides for implementation of a statewide property tax study.

There comes a time for every problem when action, not further study, is required to resolve the problem. Property taxes in this state have been subjected to the most thorough study in the past few years. The problems with our property tax system have been pinpointed in these studies, and recommendations have been made accordingly. This administration, with the help of county officials across the state has sought from the Legislature for the past two sessions funding to implement the key recommendations of past studies, including an annual revaluation program. Further study at this time is, in my opinion, unmitigated waste of public funds.

2. Labor & Industries - restriction on building and construction safety program.

On page 21, section 24, I have vetoed subsection (4) which limits to \$19,265 the amount which may be expended for the building and construction safety program for contractor registration.

The apparent intent of this subsection, according to the chairmen of the House and Senate Ways and Means Committees, was to direct the Department of Labor and Industries to expend the sum of \$19,265 for the hiring of a contract compliance officer within the building and construction safety program. As drafted, however, the language very clearly bars the department from spending any more than that amount on the entire program, which has a total biennial budget in excess of \$400,000.

3. SPI - proprietary education clinics.

On page 26, section 28, I have vetoed subsection (10) which permits the Superintendent of Public Instruction to contract with proprietary education clinics for alternative education programs for high school dropouts.

The provisions of this subsection are similar to the concept contained in House Bill 1422 and Senate Bill 3166, neither of which passed in its house of origin. I am advised by the Superintendent that while the concept of alternative education systems may be worthy of state support, he believes public subsidy of proprietary education clinics should not be instituted without specific legislative direction and guidelines. The action taken in this subsection could well lead to significant financial commitment over the next several years. I agree with the Superintendent's concerns, and join in his suggestion that the Legislature consider this issue in depth at its next regular session.

4. SPI - Common school financial loan program.

On page 27, I have vetoed section 30 which authorizes school districts to borrow from the state an amount equal to the anticipated second half collections from an approved special levy for use during the preceding school year.

The funds which would have been used by the state to make such loans to school districts were to have come from issuance of general obligation bonds of the state pursuant to an

JOURNAL OF THE HOUSE

authorization contained in Substitute Senate Bill No. 2967, which failed to pass the Legislature.

I have said in past weeks, and reiterate at this time, that this scheme constitutes a fiscally irresponsible and wholly inadequate means for the solution of our state's school financing crisis. At its best, it provided an expedient escape for its supporters from having to pass an honest and forthright program which may have required additional taxes. At its worst, it constituted the first and disastrous step toward abusing the credit of the state by funding current operational expenses from general obligation bond proceeds. The bitter experience of other states and the consequent burden on their taxpayers for millions of dollars in additional interest costs apparently did not concern the supporters of this scheme. As long as I have been associated with state government, I have never seen a more deplorable example of expedience being substituted for wisdom on an issue of the magnitude of school funding. It is my fervent hope that the people of this state shall not see the likes of this scheme again.

5. Expenditure reductions.

On page 64, I have vetoed section 62 which provides for reductions in expenditures in the event there are insufficient revenues to support the spending program authorized by the Legislature.

The language of this section makes it very apparent that the Legislature itself is convinced of the likelihood of revenues not meeting expenditures notwithstanding public declarations to the contrary by majority leadership. Indeed, it amounts to not less than an unsolicited admission of the fact. For I see no other good reason why the Legislature has chosen to restate in this budget document the essential elements of RCW 43.88.110 and .115 of the Budget and Accounting Act. The two cited sections deal specifically with the contingency of expenditures exceeding anticipated revenues and the responsibility of the Governor under those circumstances to reduce expenditures to the extent necessary. There is no need to re-enact those provisions in this budget document, and I am fully prepared to make the necessary reductions pursuant to the provisions of the Budget and Accounting Act.

I take this opportunity also to point out my concern over the recent trend by legislative drafters of incorporating substantive legislation into budget bills. One example of such drafting is found in Section 17, subsection (6), which relates to accounting procedures on claims by public assistance vendors, and another in subsection (7), which deals with average lengths of stay of persons receiving aid under the medical assistance program. I believe that provisions such as these involve policy considerations that should be dealt with by the Legislature in separate bills, rather than inserting them into budget bills, where substantive changes in policy will not receive adequate study and consideration, and where they tend to create confusion for the appropriation provisions of the budget bill. While I am not vetoing these and other similar items, I strongly urge the Legislature to put an end to this kind of drafting.

I am also directing the Office of Program Planning and Fiscal Management to exercise strict supervision through the allotment process over the expenditure of \$202,125 authorized in section 37 for the Fire Service Training Program under the Commission for Vocational Education. While there may be some merit to that program, I am not convinced of its urgency in a time when all state agencies are being cut back because of our difficult fiscal straits. If at any time the actual expenditure of any portion of the appropriation is found not to be justified, I will expect that appropriate action be taken to withhold the funds from the program.

With the exception of the foregoing sections and items which I have vetoed for the reasons stated, the remainder of House Bill No. 1624 is approved.

Respectfully submitted,
Daniel J. Evans
Governor

SUBJECT AND HISTORY OF HOUSE BILLS

NUMBER, AUTHOR AND SUBJECT	Intro. & 1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action by House	Report from Senate	Signed by Speaker	Signed by Pres. Senate	Action by Gov.	
10. Kilbury, Boldt, Cochrane: Establishing open primary elections			299			299				
10. (Substitute) Constitution and Elections: Establishing open primary elections			300							
23. Ehlers: Authorizing school district participation in voluntary nonprofit organizations regulating interschool activities, subject to certain conditions and state board of education rules						83				
29. (Substitute) State Government: Making the gambling commission independent of the department of motor vehicles				39		39			Vetoed 38	
37. (Substitute) Constitution and Elections: Setting forth dates special elections may be called		225	313			83				
37. (2nd Substitute) Constitution and Elections: Setting forth dates special elections may be called			313,315	315						
38. King, Bender, Erickson, Gaines (by Committee on Constitution and Elections of the 43rd Legislature request): Implementing law relating to recall of public officials						69, 420	420	431	502	Ch. 47 560
46. North, Fortson: Providing for temporary replacement of insured property		163								
58. (Substitute) Commerce: Requiring emergency exits for mobile homes			97	97						

70. Conner: Providing for licensing and taxing of movie and telecast showing of boxing and wrestling matches	236	247	465	479	483	Ch. 48 560
75. (Substitute) Constitution and Elections: Making changes in the laws relating to voter registration		69, 916	914	917	918	P.V. Ch. 129
76. Fortson, Lysen, Chandler, Erickson: Providing a deputy registrar in each public school .		77				
77. (Substitute) Constitution and Elections: Implementing the law relating to elections generally		77, 895	874	873, 895	896	898 Ch. 120 950
78. (Substitute) Labor: Improving working conditions for railroad employees			361			
90. (Substitute) Commerce: Imposing a tax on coin-operated gaming devices subject to federal tax credit and authorizing certain forms of gambling	91	146, 205,233	248	665, 722	723	730 Ch. 87 821
91. (Substitute) Commerce: Enacting a hazardous substance act			96			
93. (2nd Substitute) Local Government: Requiring uniform jail standards	241,697		83,282			
121. Smith (Rick), Martinis, Conner, Bausch, Clemente, Schumaker, Matthews, Laughlin, Leckenby: Authorizing private ownership and operation of release-recapture salmon rearing facilities	105		83			
122. Martinis, Kilbury: Revising the public lands management laws	105	236				
122. (Substitute) Natural Resources: Revising the public lands management laws		236- 238	248			
140. Bagnariol, Becker, Charnley, Cochrane, Fischer, Hayner, Laughlin, Martinis,						

SUBJECT AND HISTORY OF HOUSE BILLS

NUMBER, AUTHOR AND SUBJECT	Intro. & 1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action by House	Report from Senate	Signed by Speaker	Signed by Pres. Senate	Action by Gov.
McCormick, McKibbin: Abolishing pay toilets and requiring certain places of public accommodation to have free public toilet facilities				78					
156. Laughlin, Zimmerman, Bauer, Martinis, Thompson, McKibbin, O'Brien, Newhouse, Kilbury, Luders, Hansen, Boldt: Authorizing a compact among Washington, Oregon and Idaho relating to fish in the waters of the Columbia and Snake rivers				78					
187. Tilly, Haussler, Hansen, Curtis, Flanagan: Changing designation of first class PUD to five commissioner PUD, and second class PUD to three commissioner PUD				79					
200. (Substitute) Ways and Means - Appropriations: Redefining fiscal year for teachers' retirement purposes							83		
231. Wojahn, Brown, Bender, King, Erickson, Ehlers, Hawkins, Parker (by Superintendent of Public Instruction request): Mandating certain school districts to divide into director districts and providing for election of directors thereunder									79
245. Charette, Moon, Smith (Edward), Randall: Prohibiting county assessors from engaging in private appraising									79

SUBJECT AND HISTORY OF HOUSE BILLS

NUMBER, AUTHOR AND SUBJECT	Intro. & 1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action by House	Report from Senate	Signed by Speaker	Signed by Pres. Senate	Action by Gov.
303. Adams, Hayner, Parker, Hanna (by Department of Social and Health Services request): Authorizing department of social and health services to pay counties for special adult supervision programs		225							
304. Ceccarelli, Pardini: Prohibiting certain mortgage reserve accounts				80					
331. Sommers, Nelson, Randall, Erickson, Smith (Rick), Kraabel: Defining the term adopted child for inheritance tax purposes ..				81					
342. (Substitute) Labor: Revising laws relating to boiler inspections				81					
378. (Substitute) State Government: Prescribing procedures for the collection, analysis, and reporting of statistical information on file by the state fire marshal			246	265	143				
386. Hanna (by Department of Social and Health Services request): Prescribing a modification for minimum terms for furlough		216							
397. Cochrane: Specifying form of notice and result of election for change of location of county seat				82	82				
401. (Substitute) Social and Health Services: Adding new provisions to laws relating to burial				82					

425. Perry, Gallagher: Providing for enforcement of the state predetermined wage act . . .	146	206	465	479	483	Ch. 49 560
430. Wojahn, Pardini: Prescribing requirements and procedures for award of professional services contracts		82				
441. Thompson, Zimmerman: Amending the Environmental Coordination Procedures Act of 1973		83				
455. Thompson, Patterson, Erickson: Regulating the determination and use of marine fuel tax moneys	241	315				
455. (Substitute) Ways and Means – Revenue: Regulating the determination and use of marine fuel tax moneys		315	316, 483	466, 483	492	498 Ch. 50 560
490. Gaines, Randall: Amending law on liability of landowners where recreational		207				
491. Warnke, Bausch, Gilleland: Prescribing a change in retained percentage procedures on public works contracts			207			
496. (Substitute) Judiciary: Enacting the Juvenile Justice Act of 1975		115	115			
508. Parker, Ceccarelli, Fischer, Lysen, Adams, Fortson: Requiring health insurance coverage for certain rehabilitative services	380					
514. Parker, Gallagher, Wojahn: Revising laws regulating county utility services	178	281				
514. (Substitute) Local Government: Revising laws regulating county utility services		281	361			
519. Pardini, Randall, Hawkins, Gilleland: Pertaining to local business and occupation taxes			143			
523. Hayner, Kilbury: Requiring counties to pay salary and expenses of stream patrolmen			93			

SUBJECT AND HISTORY OF HOUSE BILLS

NUMBER, AUTHOR AND SUBJECT	Intro. & 1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action by House	Report from Senate	Signed by Speaker	Signed by Pres. Senate	Action by Gov.
552. (Substitute) Transportation and Utilities: Delaying construction of new marine oil transfer facilities until June 30, 1976						84			
575. Wojahn, Curtis, Warnke: Permitting embargo of hazardous household substances .				93					
577. Boldt, Dunlap, Hawkins, Kalich, Haley, Kilbury, Seeberger, McKibbin, Bauer, Hanna, Moreau, Freeman, Douthwaite: Prescribing penalty for false information at legislative hearing		163							
585. Brown, Gaspard: Revising laws on filiation proceedings and enacting the uniform parent- age act		333							
593. (Substitute) Constitution and Elections: Permitting vote by absentee ballot for persons not making their original registration before 30 days prior to an election or primary					94				
594. (Substitute) Constitution and Elections: Authorizing punch card ballots to be sent to center at University of Washington for utili- zation of election statistical data					94				
611. O'Brien, Sommers, Blair, Bausch, Haussler, Douthwaite, Warnke, Erickson, Leckenby, Jastad, Ceccarelli: Providing for regional port districts						766			

SUBJECT AND HISTORY OF HOUSE BILLS

NUMBER, AUTHOR AND SUBJECT	Intro. & 1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action by House	Report from Senate	Signed by Speaker	Signed by Pres. Senate	Action by Gov.
711. Kuehnle, Conner, Savage, Wilson: Authorizing special fund raising events for charitable or nonprofit corporations not otherwise receiving benefits under gambling act		333				361			
721. (Substitute) Local Government: Revising laws relating to county solid waste disposal . .		105	146			84			
721. (2nd Substitute) Local Government: Revising laws relating to county solid waste collection and disposal			146		207, 503	503	531	562	Ch. 58 644
739. Ceccarelli, Pardini, Leckenby, Fischer, Blair, Chatalas, Parker, Polk, Charette, Eikenberry, Lysen, McCormick, Greengo: Establishing procedures for traveler's checks to be deemed unclaimed property				266		465	479	483	Ch. 59 644
769. Newhouse, Bagnariol: Permitting domestic wineries to wholesale their own product		68	180						
769. (Substitute) Commerce: Permitting certain domestic wineries to wholesale their own products			180		208, 563	467- 468	466	587	588 Ch. 62 664
771. Newhouse, Bagnariol: Permitting wine-tasting at wineries		69	180						
771. (Substitute) Commerce: Making changes in the liquor laws relating to agents' licenses			180		245, 595	594	603	628	Ch. 74 753
778. Charnley, Douthwaite: Increasing certain benefits to retirees under teachers' retirement act					96				

779. King, Hendricks, Thompson: Permitting employees of political subdivisions of the state to join the state employees' insurance and health care system	180						
779. (Substitute) State Government: Permitting employees of political subdivisions of the state to join the state employees' insurance and health care system	180	244, 798	494, 772	492,562, 771, 797	825	826	Ch. 106 907
780. (Substitute) Social and Health Services: Establishing sickle cell disease testing and counseling program in the department of health		96					
802. Shipoch, Polk, Thompson, Wojahn: Providing uniformity in payment of travel expenses for most state officials and employees	91	316	83				
802. (Substitute) Ways and Means – Appropriations: Providing uniformity in payment of travel expenses for most state officials and employees		316	316, 468	468	485	498	Ch. 34 560
812. North, Nelson, Smith (Rick), Fortson: Providing for humane treatment of animals .	357						
822. Sommers, Knowles, Hurley (Margaret): Deleting the state antimonopoly board from review of certain actions involving copyrights	304						Ch. 75
840. Randall: Relating to revenue and taxation			208	594	603	628	753
866. (Substitute) Ways and Means: Adopting a budget for state agencies				13,23, 25,27			
950. Adams: Relating to health, welfare and safety	597	553, 599	601	552, 555			

SUBJECT AND HISTORY OF HOUSE BILLS

NUMBER, AUTHOR AND SUBJECT	Intro. & 1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action by House	Report from Senate	Signed by Speaker	Signed by Pres. Senate	Action by Gov.
971. Randall, Pardini, Sommers, Newhouse: Pertaining to taxation of leasehold interests .			142	116, 143, 640	116, 474, 624	470, 497,624, 639	641	644	Ch. 61 664
986. Bagnariol, Shinpoch: Making certain changes relating to the state printing and duplicating committee		296							
993. Conner, Warnke: Regulating environmen- tally hazardous wastes		130,205, 305	396						
993.(2nd Substitute) Ways and Means - Appro- priations: Regulating dangerous wastes			396	396					
1000. Shinpoch, Bagnariol, Polk, Curtis: Mak- ing changes in the laws relating to fiscal man- agement		225			83				
1011. (Substitute) Higher Education: Permit- ting transfer of and preserving rights of aca- demic personnel of community colleges working in correctional institutions if program transferred to another community college dis- trict			134						
1037. Bagnariol, Pardini, Erickson, Sommers, Randall: Imposing a special tax on coin- operated gambling devices			114	114					
1055. Valle, Charnley, Fischer, Smith (Edward), Hawkins, Cochrane, May, Sherman, Moon, Kilbury, Eng: Prohibiting aerosol spray products by January 1, 1977 ..									

1082. Hayner: Designating Fort Walla Walla Park as a regional park		232	249	
1100. (Substitute) Transportation and Utilities: Permitting local governments greater latitude in establishing utility rates		114,134	135	
1107. Ceccarelli, Blair, Hanna, Sommers, Bagnariol: Authorizing the sale of beer at stadiums	91	181		
1107. (Substitute) Commerce: Changing liquor permit and service requirements		181,188 194,205, 239,269- 273	309, 343- 345	343
1108. King, Eikenberry, Perry, Conner, Pardini, Moon: Prohibiting discrimination against commercial vehicle drivers because of age	163	239		
1108. (Substitute) Financial Institutions: Prohibiting discrimination against commercial vehicle drivers because of age		239	250,258	
1119. Parker, Adams: Coordinating and surveying the health care delivery system		378	378	
1123. Randall, Nelson, Sommers, Smith (Rick): Enacting a new gift tax law			259	
1124. Kilbury: Providing for gardens on public lands	140	192		140
1124. (Substitute) Agriculture: Providing for gardens on public lands		192,194		
1139. Hanna, Ceccarelli, Hawkins, Fischer: Requiring that all cigarettes to be sold or marketed in this state be designated to self-extinguish within ten minutes of lighting				116

1228. Chatalas, Perry, Bender, Ceccarelli, Eng, Laughlin, Maxie, Valle: Relating to the emergency financing of the common school system	5								
1229. Randall: Pertaining to use taxes upon federal and certain other contractors	5		10	11,14		14	15	22	Ch. 1
1230. King, Newhouse, Bausch, Hendricks: Creating the public employment relations commission	5	33	35	35,51	11	51	52	52	Ch. 5
1231. Eikenberry, Greengo, Lee, Blair, Brown, Barnes, Zimmerman: Appropriating funds for emergency school relief	5								
1232. Peterson, Lee, Charnley and Eng: Appropriating funds for emergency school relief	5								
1233. Bagnariol, Shinpoch, Chatalas, Perry: Providing emergency funding for common schools and funding for mass transit	5		6-9	9		5,12-13,15-17		11,15	
1234. Tilly, Chandler, Whiteside, Seeberger: Limiting types of contributions to candidates for state legislative office	19								
1235. Charnley, Brown, Erickson, Sherman, Lee, Eng, Maxie, Chandler, McKibbin, Douthwaite, Moreau, Perry, Blair, Hawkins, Bender, Cochrane, Valle, King, Fischer, Chatalas, Ceccarelli: Imposing a property tax on gross income; repealing state business and occupation taxes; extending sales tax to motor vehicle fuel and professional services; exempting food; and prohibiting maintenance and operations levies by school districts	19								
1236. Wilson, Lee: Restructuring the financing of election campaigns	26								

corneal tissue from decedents to eye banks under certain conditions	55	122	143, 179	209	465	479	483
1245. Valle, Chandler, Hawkins, Lux, Douthwaite, Dunlap, Cochrane, Kilbury, Bauer, Thompson, King, Conner, Paris, Fischer, Fortson, Zimmerman, Maxie, Becker, Charnley, Matthews: Establishing penalties and enforcement authority for violation of no smoking rules	55	221				116	
1246. Kilbury, Chandler: Authorizing emergency medical service districts	55						
1247. Leckenby, Barnes, Freeman, Hansey, Paris, Polk: Revising the formula for legislative retirement	55						
1248. Warnke: Excluding private school buses from license fee exemptions	55	305					
1249. Charette: Exempting certain recreational property used by the public from property taxation	55						
1250. Kilbury, Polk: Providing that in all elections for school directors the names of both the person who receives the greatest number of votes and the person who receives the next greatest number of votes in the primary will appear on the general election ballot	56						
1251. Valle, Cochrane, McKibbin, Savage, Moon, Clemente, Hawkins, May, Bausch, Becker, Bender, Fischer: Establishing a review procedure for proposed rules of the industrial welfare committee by legislative labor committees	56						
1252. Fortson, Fischer, North, Boldt, Gaines, Gaspard: Mandating certain student testing in							

1261. Sherman, Luders, Charnley, Dunlap, Wilson, Berentson, Eikenberry, Valle, Hawkins, Lux: Outlawing pull-top cans	57					148			
1262. Sommers, Erickson, Smith (Rick), Ehlers: Regulating campaign funding for the office of state legislator	57								
1263. Charnley, Moreau, Warnke, Bender, Kilbury, Sherman, North, Bauer, Boldt: Defining income for purposes of retired persons' property tax exemption	57								
1264. Martinis, Haussler, Kilbury, Greengo, Bond, Lee: Authorizing the department of natural resources to exchange lands for recreation and preservation purposes	57	178							
1265. Valle, King, Cochrane, Savage, Moon, Clemente, Thompson, Hawkins, May, Bausch, Becker, Bender, Fischer: Prohibiting mandatory overtime	57								
1266. Jastad, Kalich: Increasing the number of Lewis county superior court judges to two . .	57	216	329	329		623	645	680	Ch. 79 753
1267. Haussler, Becker, Boldt, Erickson, Gallagher, Lee: Establishing a new method of framing county "home rule" charters	57	106	329, 331		332, 575,877				
1268. Douthwaite, Becker, Lee: Authorizing a study of marine transport of liquid natural gas	57								
1269. Sommers, Randall: Modifying timber tax administration procedure	57	278							
1270. Kalich: Increasing the sales and use tax, exempting food therefrom, and taxing services	58								

1277. Fortson, Adams, Cochrane, Tilly, Lux, Hanna, Fischer, Becker, Maxie: Establishing a geriatric health screening program	59	92,131		
1278. Adams, Becker, Hanna, Fischer, Sherman: Enacting a bill of rights for patients	59			
1279. Smith (Rick), Hayner: Providing attorney's fees for the prevailing party in contract and lease disputes	59	141	195	210
1280. Smith (Rick), Boldt, Hayner: Requiring notice be given property owner of filing of mechanics' and materialmen's liens	59			
1281. Cochrane, Boldt, Kilbury: Permitting the surviving spouse of a judge to work without reducing the benefit under the judicial retirement system	59			
1282. Tilly, 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	59	407	875	
1282. (Substitute) Social and Health Services: 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			875	876
1283. Cochrane, Becker: Modifying public assistance eligibility requirements for persons eighteen and over who attend school	59	333		
1284. Smith (Rick), Eikenberry, Hawkins, Hayner, Lee, Polk: Disqualifying felons from unemployment compensation benefits	59			
1285. Tilly: Providing for a simplified, administrative probate procedure	59			

Commission request): Adding new provisions to laws relating to archaeological resources . .	60	241							361
1296. Randall, Pardini, Sommers, Hurley (Margaret), Polk, Paris, Hayner, Gaines (by Parks and Recreation Commission request): Exempting historical buildings and structures from sales tax	60	241	400						
1296. (Substitute) Ways and Means – Revenue: Exempting historical buildings and structures from sales tax				400	401				
1297. Kilbury, Brown, Cochrane, Douthwaite: Establishing the Washington library network	60								116
1298. Sommers, Pardini, Hurley (Margaret), Paris: Forbidding public agencies from undertaking projects adversely affecting historic properties	60								
1299. Sommers, Pardini, Hurley (Margaret), Polk, Paris, Hayner, Williams, Gaines (by Parks and Recreation Commission request): Modifying the building code as applied to historic buildings	61	222	330						
1299. (Substitute) State Government: Modifying the building code as applied to historic buildings				330	330	355	360	380	Ch. 11 492
1300. Randall, Pardini, Sommers, Hurley (Margaret), Polk, Paris, Hayner, Gaines (by Parks and Recreation Commission request): Exempting improvements on historically significant structures from property taxation . . .	61	278	401						
1300. (Substitute) Ways and Means – Revenue: Exempting improvements on historically significant structures from property taxation . . .				401– 402					766

1309. Fischer: Providing for pharmacy technicians and the qualifications and licensing thereof	62								
1310. Randall (by Department of Revenue request): Repealing certain equalization of property valuation procedures	62	131	239	260	642	641			
1311. Randall (by Department of Revenue request): Removing department of revenue mandatory audit requirement of the work of county assessors	62	131	233	260, 727		727	740	747	Ch. 94 880
1312. Fortson, Fischer, Maxie: Expanding the foster grandparent and senior companion program	62	92,131							
1313. Ehlers, Shinpoch, Bagnariol, Zimmerman: Creating the Washington library networks revolving fund	62	92	319, 326	326,838- 839		838	840	863	Ch. 110 907
1314. Bauer: Limiting school board responsibility to provide detailed descriptions of rights and responsibilities of teachers to those with respect to discipline of pupils	62	258	376- 377,398	399, 760		759	761	766	Ch. 97 880
1315. Thompson, Amen: Placing educational service districts on same holiday schedule as provided for public schools	62	178	239	261					
1316. Fortson, Bauer, Fischer, Maxie, 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, Shinpoch, Smith (Rick), Tilly, Warnke, Williams, Wojahn: Authorizing state funding of senior citizens' nutrition program	62	92,131 333,368	403		303				

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1335. King, Matthews, Douthwaite, Savage, Charnley, Cochrane, Fischer, Moreau, Peterson, Williams, Wojahn: Providing for collective bargaining at the state institutions of higher education	64	93	316		353				
1336. Nelson, Sommers, Ehlers, Bender, Leckenby, Hayner, Becker, Dunlap, Freeman, Polk: Abolishing nonfunctioning advisory committees	65	132	240						
1336. (Substitute) State Government: Abolishing nonfunctioning advisory committees			240,275- 277	309					
1337. Sommers, Moon: Allowing the state fire marshal access to state criminal records	65	178	279	279					
1338. Tilly: Amending the qualifications required for membership on the state game commission	65								
1339. Hanna, Smith (Rick): Revising the definition of the crime of prostitution	66	306							
1340. Smith (Rick): Making lesser traffic law violations noncriminal offenses	66	132	205, 227 206,227-	262, 727	532, 682	532,562, 726	740	747	Ch. 95 880
1341. Smith (Rick): Revising probate laws ...	66	93	232,233	263					
1342. Tilly, Hayner, Barnes: Establishing procedures for payment of costs by convicted criminal defendants	66	306	397	397		746	752	759	Ch. 96 880

1343. Thompson, Newhouse, Curtis, Blair, Schumaker, Clemente, Douthwaite, Erickson: Setting legislator's salaries at \$7200 per year	66	186, 296	326-328,387-390	751, 868	212	868	871	880	Ch. 113 915
1344. Cochrane, Haussler, Blair, Charnley, Lee, Lux, Bender, Zimmerman, Chandler, Bauer, Boldt, Eng, Kilbury, Paris: Establishing responsibility for enforcement of the uniform fire code	66	132	188	210, 469		469	479	483	Ch. 37 560
1345. Bauer, Bender, Ehlers: Providing for a priority program of education	66	163	212						
1345. (Substitute) Education: Providing for a priority program of education		296	212,361-365	365, 755	212, 653	652, 741,755	761	766	Ch. 98 880
1346. Conner, Adams, Haussler, Bender, Clemente, Ceccarelli, Gaines, McCormick, Warnke, May (by State Treasurer request): Amending veterans' bonus requirements	67								
1347. Smith (Rick): Correcting technical errors in the Washington criminal code	67	163	325						
1347. (Substitute) Judiciary: Correcting technical errors in the Washington criminal code			325	326		465	479	483	Ch. 38 561
1348. Bagnariol, Flanagan, Polk (by Executive request): Appropriating moneys for expenditures by state agencies and offices	67								
1349. Seeberger: Requiring public disclosure by news media	86								
1350. Bender, Gaspard: Implementing the law relating to the issuance of teacher's certificates	86								
1351. Conner, Zimmerman: Mandating public notice by inspecting officials of violations of building, housing, health, fire and safety codes as applicable to school property or operations	86								
1352. Seeberger: Prohibiting paint sniffing	86	306							

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1353. Hanna, Gallagher, Gaspard, Erickson, Ehlers, Adams, Wojahn, Hawkins, Haley, Parker: Authorizing any county governing body to also act as housing authority commission	86	226				361			
1354. Ehlers, Polk, Sommers, Leckenby, Hurley (Margaret), Williams: Broadening merit system certification procedures by minimizing fractional differences in scores	86								
1355. Sommers, Dunlap (by State Productivity Council request): Implementing law relating to the state employee suggestion program ...	86	242,258	877	878	575	898	898	900	Ch. 122 950
1356. Charette, Knowles, Seeberger (by Code Reviser's Office request): Pertaining to education; RCW corrections	86	133	188	189		465	479	483	Ch. 15 502
1357. Charette, Knowles, Seeberger (by Code Reviser's Office request): Relating to teachers' retirement; RCW corrections	87	133	189	189		465	479	483	Ch. 16 502
1358. Charette, Knowles, Seeberger (by Code Reviser's Office request): Relating to state government; RCW corrections	87	133	189	189		465	479	483	Ch. 17 502
1359. Charette, Knowles, Seeberger (by Code Reviser's Office request): Relating to motor vehicles; RCW corrections	87	133	190	190		465	479	483	Ch. 18 502
1360. Charette, Knowles, Seeberger (by Code Reviser's Office request): Relating to industrial insurance; RCW correction	88	133	190	190		465	479	483	Ch. 19 502

1361. Charette, Knowles, Seeberger (by Code Reviser's Office request): Relating to alcoholic beverages; RCW correction	88	133	190	191	465	479	483	Ch. 20 502
1362. Hanna, Maxie, Charnley: Authorizing local governments to provide cultural and social services	88	222	281					
1363. Parker: Enacting the postsecondary education assistance authority	88							
1364. Bauer, Whiteside, Boldt, Ehlers, Dunlap, Warnke: Changing law relating to contractual rights of school district certificated employees	88	226	285					
1364. (Substitute) Education: Changing law relating to contractual rights of school district certificated employees			285- 294	301- 303,864- 865	636- 639,652, 695- 697,817-	629,652 694, 820,862	871	880 Ch. 114 914
1365. Warnke, Gaines: Removing certain restrictions on class K liquor licensees	88							
1366. North, Chandler, Matthews, Fortson, Sherman: Preserving Mount Si	88	258	397					
1366. (Substitute) Parks and Recreation: Preserving Mount Si			397	397	723	723	730	Ch. 88 821
1367. Parker: Creating revolving funds for the divisions of banking and savings and loan associations	89	164,217						
1368. Shinpoch, Curtis, Bagnariol, Polk, Flanagan, Thompson, Amen, Bausch (by Legislative Budget Committee request): Supplementing law relating to traffic safety education	89							

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1370. Peterson: Defining children for purposes of exemption from certain fees at vocational-technical institutions and institutions of higher education	89	284							
1371. Zimmerman, Pardini, Lee, Wilson, Haussler, Bond, Hayner: Requiring an economic impact statement on legislative bill proposals	89								
1372. Charnley, Bender, Sherman, Sommers, Williams, May, Eng, Moon, Fischer, Lux, Lysen, Bagnariol, Hurley (George), Warnke, Bausch: Prohibiting use of the previous balance method for computing service charges on retail charge agreements	89								
1373. McCormick, Leckenby, Martinis, Gaines, Lysen, Barnes, Hayner, Charnley, Lee: Establishing the energy facility site evaluation council	89	123	136	145					
1374. Bagnariol, Martinis: Revising regulations governing mutual savings banks	89								
1375. Sommers, Zimmerman, Bagnariol, Polk: Increasing salaries of elected officials of the executive branch	90	186,217							

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Bond, Hayner, Patterson, Leckenby, Gilleland, Zimmerman, Kuehnle, Pardini, Schumaker: Limiting special sessions of the legislature to 30 days	99								
1385. Freeman, Polk, Amen, Hansey, Greengo, Haley, Barnes, Wilson, Hendricks, Matthews, Dunlap, Hayner, Patterson, Gilleland, Flanagan, Zimmerman, Pardini: Defining basic education	99								
1386. Randall, Gilleland (by Department of Revenue request): Providing for annual property revaluation by counties	99	133	348,377, 386	349,377, 387	360				
1387. Fischer: Requiring that names and addresses of purchasers of beer kegs or barrels be recorded along with the unique identification numbers of such kegs or barrels	100								
1388. Fischer: Deleting a limitation on use of school bus warning lights	100								
1389. Jueling, Haussler, Whiteside, Gilleland, Greengo, Flanagan: Removing election day from the list of legal holidays	100								
1390. Tilly, Hansen, Gilleland: Requiring proof of financial responsibility for registration of a motor vehicle	100								
1391. Parker, Fortson, North, Fischer: Prohibiting mandatory retirement because of age ...	100	296			361				

1392. Newhouse, Freeman, Hansey, Flanagan, Curtis, Matthews, Hayner, Patterson, Gilleland, Pardini, Greengo: Establishing a new retirement system for certain public employees.....	100		698- 721,728- 735	762, 766,767	666,688 692,744
1393. Freeman, Polk, Hansey, Flanagan, Amen, Deccio, Greengo, Lee, Haley, Barnes, Wilson, Hendricks, Matthews, Whiteside, Hayner, Patterson, Gilleland, Zimmerman, Pardini: Mandating program of basic education survey-testing in common schools.....	100				
1394. Hansen, Leckenby, Charnley, Clemente: Permitting owners of property subject to condemnation proceedings to give the property to such governmental unit.....	100	141	206	246	124
1395. Polk, Paris, Matthews, Lee: Authorizing local purposes fees for community colleges..	100				
1396. Douthwaite, Haussler, Peterson, Blair: Raising from \$500 to \$2,500 the amount of purchases the department of general administration may make without obtaining sealed bids.....	101	242	349	350	
1397. Hansen, Gilleland, Lux, Chandler (by Department of Motor Vehicles request): Authorizing waiver of interest on unpaid motor vehicle fuel taxes.....	101				
1398. Brown, Charnley, Paris, Matthews, Cochrane: Prohibiting smoking in confined public places and situations and places and situations of work.....	101				124
1399. Eikenberry, Hayner, Deccio, Berentson, Polk, Curtis, Freeman, Greengo, Whiteside, Lee, Haley, Barnes, Wilson, Paris, Hendricks,					

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Matthews, Leckenby, Tilly, Kuehnle, Pardini, Bond: Setting mandatory minimum sentences for felonies against persons	101								
1400. Freeman, Polk, Amen, Barnes, Matthews, Hayner, Patterson, Gilleland, Flanagan, Kuehnle, Pardini, Bond: Implementing law relating to contracts of school district certified employees	101								
1401. Wojahn, Fortson, Lee, Fischer: Implementing law relating to certification of school teachers and accreditation of schools	101								
1402. Laughlin, Haussler, Thompson, North, Smith (Edward), Fischer, Zimmerman, Douthwaite, Hanna: Revising regulations of diking, drainage and other special districts . .	101	242,395			361				
1403. Adams, Pardini (by Office of Program Planning and Fiscal Management request): Authorizing state general obligation bonds for DSHS facilities	118		582	583,961	138,507, 948,952	947,952, 960	964	965	Ch. 125
1404. Boldt, Chandler: Allowing proceeds from sale of school district real property to be used for acquisition of improved or unimproved real property	118	179	235, 312	264,308, 312	308	644	645	680	Ch. 80 753
1405. Warnke, Blair, Sommers, Freeman: Making changes in the LEOFF retirement system	118	394	669						

1405. (Substitute) Ways and Means – Appropriations: Making changes in the LEOFF system			669– 678,688– 692,735	744, 746	678
1406. Boldt, Kuehnle: Defining the offense of theft of motor vehicle services	119				
1407. Warnke, Blair, Sommers, Freeman, Pardini: Making changes in the public employees' retirement system	119	394	678		
1407. (Substitute) Ways and Means – Appropriations: Making changes in the public employees' retirement system			678– 679,736– 738	746	
1408. Warnke, Pardini, Gaines, Freeman, Hayner: Prohibiting certain persons already receiving or eligible to receive a retirement allowance or a disability benefit from a public retirement system authorized by the general laws of the state from becoming a member of another public retirement system authorized by the general laws of the state	119				
1409. King, Fischer: Including law enforcement officers of class A counties as "uniformed personnel" for collective bargaining purposes ...	119	306			
1410. Hanna: Making possession, as well as transportation, of specialized forest products illegal	119				
1411. Bagnariol, Hanna, Parker, Leckenby: Creating a department of rehabilitation ...	119				212
1412. Hurley (Margaret), Pardini, Conner (by Parks and Recreation Commission request): Permitting longer leases and concessions in state parks	120	223	328	328	

1420. Fischer, Becker, Hanna, Deccio: Expanding the work release program to include treatment	120	243	
1421. Charnley, Haley, Adams, Hendricks, Parker, Hurley (George), Randall: Exempting artificial intestine machine from sales and use taxes	121		
1422. Bagnariol: Providing for proprietary educational clinics and authorizing reimbursement for costs in attending the same	121		
1423. Lee, McCormick, Bond, Gallagher, Deccio, Bausch, Hansen, Hansey: Making an appropriation to the Washington wing civil air patrol	121		
1424. Gallagher, Juelling, McCormick, Gaines: Regulating tow trucks	121		
1425. Brown, Fortson, Laughlin: Supplementing law relating to retirement rights under teachers' retirement system	121		
1426. Blair, Sommers: Changing designation of "surviving spouse" to "designated beneficiary" for certain retirement benefits respecting employees of institutions of higher education	121		
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1428. Conner: Revising laws relating to boxing, wrestling and the athletic commission	121		
1429. Peterson: Eliminating certain veterans' preferences	121		
1430. King, Sommers, Smith (Rick), Bender, Laughlin, Erickson: Prescribing a code of ethics for public officials	122	186	873

community colleges and institutions of higher education	126	205	351	351						
1440. Moreau, Patterson (by Office of Program Planning and Fiscal Management request): Authorizing bond issue for capital projects at institutions of higher education	126	243	583	584, 948	507	948	950	952	Ch. 126	
1441. Charette, Smith (Edward), Thompson, Polk, Gaines, Ceccarelli (by Office of Program Planning and Fiscal Management request): Authorizing sale of bonds for capital projects for state community colleges	126	243	584	584	507	837	838	840	Ch. 107 907	
1442. Zimmerman, Pardini, Lee, Wilson, Bauer, Kalich, Clemente, Freeman: Requiring mandatory sentences for crimes committed with firearms	126									
1443. Martinis, Matthews (by Office of Program Planning and Fiscal Management request): Authorizing bond issue for department of fisheries capital projects, including buildings and facilities	126		584	948	138,507	952	955	961	Ch. 132	
1444. Warnke, Blair, Bagnariol (by Office of Program Planning and Fiscal Management request): Extending date moneys payable for portion of retirement allowance shall be payable from interest earnings on pension reserve fund	126	380			679					
1445. Charnley, Moreau, Nelson, Zimmerman, Wojahn, Laughlin: Authorizing resident fees in institutions of higher education for certain refugees from Cambodia and Viet Nam	126	205	350	350						
1446. Haley: Permitting Sunday boxing matches	126									

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1447. Boldt, Hansen, Flanagan, Deccio, Tilly, Erickson, Laughlin, Kilbury, Hayner: Directing that agricultural uses be emphasized in granting water permits	127								
1448. Gaines, Lysen, Ehlers, Martinis, Warnke, Parker, Smith (Edward), Kalich, Hurley (George), Charnley, Fortson, Sherman, Ceccarelli: Directing a study on lifeline utility rates	127								
1449. Bagnariol, Maxie, Eng, Wojahn, Ceccarelli: Requiring the reporting of investments in real estate mortgages by financial institutions	127								
1450. Bagnariol, Maxie, Eng, Wojahn, Ceccarelli: Providing for fairness in lending in real estate mortgages by financial institutions	127								
1451. Hayner, Eikenberry, Knowles: Permitting the use in evidence of blood sample reports made by the state toxicologist	127	311							
1452. Fortson, Fischer: Relating to food fish and shellfish	127								
1453. Wojahn, Jastad, McCormick, Becker, Charnley, Fischer, Laughlin: Requiring first aid training under industrial insurance laws in the emergency technique for treating victims of food inhalation and heart or respiratory arrest	127								

1454. Cochrane, Adams, Hawkins, Sherman, Becker: Creating the office of nursing home ombudsman	127	306		
1455. Fortson, Fischer: Relating to food fish and shellfish	127			
1456. Cochrane, Sherman, Hawkins, Kilbury: Requiring restaurants to indicate whether sea food is fresh, frozen, smoked or canned	127			
1457. Hayner, Polk, Erickson, Chandler: Permitting the appointment of more than one set of election officers for a precinct	127			
1458. King: Providing public funds for election campaigns	128			
1459. Bagnariol, Randall, Erickson: Providing for the collection of all state property taxes for school support by April 30th of each year	128			
1460. Kilbury, Amen, Haussler: Providing for separate licensing of wholesale and retail seed dealers and changing expiration dates of certain licenses that are issued by the department of agriculture	128	217		
1461. North, Berentson: Changing wording in law relating to publication requirements regarding county contracts	128	223	328	329
1462. Knowles, Hayner, Wojahn (by Judicial Council request): Raising certain jury fees from six to twenty-five dollars	128			
1463. Knowles, Hayner, Wojahn (by Judicial Council request): Raising homestead exemption from ten to twenty thousand dollars	128			

1470. Knowles, Ceccarelli, Adams, Pardini, Hayner, Seeberger, Parker, Bagnariol: Making changes in the laws relating to civil actions as such actions relate to medical malpractice.....	129	278	316						
1470. (Substitute) Judiciary: Making changes in the laws relating to civil actions as such actions relate to medical malpractice.....			316	318, 495	478-479	477, 495	500	502	Ch. 56 561
1471. Flanagan, Hansen, Boldt, Hayner: Pertaining to the business and occupation tax on soybeans.....	129								
1472. Bauer, Hendricks, Gaspard, Brown (by Superintendent of Public Instruction request): Directing county treasurer in disposition of earnings from tax receipts.....	129								
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1474. North, Moreau, Fortson, Moon, Nelson, Laughlin: Authorizing peace officers to destroy animals when necessary to end their suffering.....	129								
1475. Bauer, Hendricks, Gaspard, Brown, Laughlin (by Superintendent of Public Instruction request): Mandating payment by certain time by county treasurers of state property taxes collected on local level.....	130								
1476. Bauer, Hendricks, Gaspard, Brown, Laughlin (by Superintendent of Public Instruction request): Authorizing school districts to enter into five year contracts for specified purposes.....	130								

1485. Valle, Douthwaite, Warnke, Bender, Knowles: Permitting injunctions against use of misleading campaign committee designations	158			
1486. Ceccarelli, Blair, McCormick: Authorizing use of self-service banking machines by savings banks; allowing savings banks to determine monthly rates of interest; and increasing loan making authority of savings banks	158			
1487. Erickson, North, Nelson: Permitting dissolution of port districts by the electors	158			
1488. Erickson, Bagnariol, Randall, Laughlin: Reforming school excess levy collections and providing state supplemental payments	159	464,811	814	
1488. (2nd Substitute) Ways and Means: Reforming school excess levy collections and providing state supplemental payments			814- 817,818	822- 825,866 822
1489. Fortson, King: Directing county auditors to require prospective candidates to demonstrate compliance with the eligibility requirements of the office sought	159			
1490. Smith (Rick): Establishing a program for providing defense counsel for indigents accused of crimes	159			
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1493. Perry, Bender, Gilleland, Laughlin: Limiting county road projects performed by day				

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1503. Blair, Charnley: Authorizing imposition of a flat rate income tax by local political subdivisions	160								
1504. Thompson, Adams: Permitting payment of parolees on supported work projects through such projects	160	307							
1505. Lysen, Hawkins, Ehlers, Fortson: Permitting late property tax exemption applications	160	226	648	648,901		900	905	906	Ch. 127
1506. Martinis, Curtis, Luders, Gilleland, Moreau, Kilbury, Bausch: Making certain changes in the laws relating to the game commission	161	223							
1507. Ehlers (by Office of Program Planning and Fiscal Management request): Authorizing bond issue to finance office building for court of appeals	161		585		507				
1508. Thompson, Zimmerman, Kalich: Establishing the rights, remedies and obligations of landlords and tenants in mobile home parks .	161								
1509. Haussler, Laughlin: Authorizing counties to obtain private, independent legal counsel for assistance on county matters	161								
1510. Gallagher, Parker: Imposing certain restrictions on the department of fisheries rule making authority	161								

1536. Sommers, Polk, Chandler, Matthews (by Office of Program Planning and Fiscal Management request): Increasing certain fees at institutions of higher education	176
1537. Hawkins, Douthwaite, Lux: Authorizing cities and towns municipal powers not otherwise prohibited by law or Constitution of state and nation	176
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1540. Deccio, Hansen, Hansey, Newhouse, Flanagan, Boldt, Kilbury, McCormick: Authorizing signs along the highway which locate farms and homes on connecting roads.	176
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1575. (Substitute) Ways and Means - Appropriations: Providing calculation base for payments under TIAA/CREFF			667	668
1576. Paris, Eikenberry, Wilson, Laughlin, Lee, Hansey, Nelson, Brown, Pardini, Chandler, Curtis, Leckenby, Berentson, Hendricks, Matthews, Blair, Gilleland, Freeman, Bond, Tilly, Polk, Whiteside, Schumaker, Deccio, Patterson, Greengo, Amen, Juelling, Flanagan: Revising laws relating to ethics in government	197			649
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1600. North, Fischer, Laughlin: Requiring port districts to file annual financial statements with county auditor	200		
1601. Charnley, Ceccarelli, Lux, Blair, Deccio: Increasing insurance coverage required for auto transportation companies to obtain certificate of operation	200	298	
1602. Adams, Curtis, Hanna: Revising law on reimbursement for services and supplies to DSHS	200	333	
1603. Fortson, Wilson, Berentson, North, Hansey: Adding one more superior court judge for the San Juan-Island county district	200		
1604. Becker: Defining certificated employee to include those employees of educational service districts with rights pursuant to RCW 28A-21.105 and 28A.21.106	200		
1605. Sommers, Blair, Freeman: Making changes in the teachers retirement system ...	200	394	679
1605. (Substitute) Ways and Means - Appropriations: Making changes in the teachers' retirement system			679, 738- 740
			747
1606. Charnley, Douthwaite: Combining priority criteria for category A, B, and C highway projects	200		
1607. Eng, Adams, Fischer, Cochrane, Hanna, Lux: Relating to health	200		

SUBJECT AND HISTORY OF HOUSE BILLS

NUMBER, AUTHOR AND SUBJECT	Intro. & 1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action by House	Report from Senate	Signed by Speaker	Signed by Pres. Senate	Action by Gov.
1608. Freeman, Flanagan, Polk, Curtis, Pardini, Chandler, Haley, Whiteside, Gilleland, Barnes, Matthews, Zimmerman, Bond, Newhouse, Deccio, Lee, Greengo, Hendricks, Wilson: Mandating procedure for distribution of funds to school districts	200		498, 796			491			
1609. Freeman, Flanagan, Polk, Curtis, Pardini, Nelson, Chandler, Haley, Whiteside, Gilleland, Barnes, Matthews, Bond, Deccio, Lee, Greengo, Hendricks, Wilson: Limiting school excess property tax levies, authorizing a state wide school excess levy, and increasing the sales and use taxes	201		498, 796						
1610. Freeman, Flanagan, Polk, Curtis, Nelson, Chandler, Whiteside, Haley, Gilleland, Barnes, Pardini, Matthews, Zimmerman, Bond, Newhouse, Deccio, Lee, Greengo, Hendricks, Wilson: Requiring state agencies to reduce expenditures within the appropriate mode pursuant to the 1975-77 biennial budget	201		499, 796						
1611. Freeman, Flanagan, Polk, Curtis, Pardini, Chandler, Whiteside, Gilleland, Barnes, Bond, Newhouse, Deccio, Lee, Greengo, Hendricks, Wilson: Requiring school districts to make contributions to the teachers' retirement system	201		499, 796						

1634. Thompson, Becker: Deleting option of municipal court judges to reduce mandatory minimum penalties for possession of a handgun in certain cases	203
1635. Becker: Relating to community mental health and drug abuse	203
1636. Sommers (by Department of Revenue request): Modifying certain timber tax collection dates and procedures	203
1637. Fischer: Making medical information and records private and confidential	203
1638. Parker: Requiring the criminally insane to be confined in secure institutions	203
1639. Ehlers, Gaspard: Requiring payment of the minimum wage to persons performing in-home services under public assistance	203
1640. North: Requiring landlords to advise prospective tenants if there are outstanding judgments for return of rental deposit	203
1641. Fischer: Giving water districts police powers	212
1642. Hanna, Douthwaite: Regulating lobbying by municipal officers and employees	212
1643. Hanna: Requiring each alcoholic treatment facility to accept all persons brought by police officers for such care and custody	212
1644. Hanna, Douthwaite: Permitting governing body of city or county to act as housing authority	212
1645. Sommers, Randall: Modifying certain property assessment dates and procedures	212

1658. Bond, Chandler, Dunlap, Barnes: Permitting impoundment of the vehicle of a person driving while his license is suspended	214
1659. Becker, Eng, Hanna, Erickson: Providing that patients may get other consultations before surgery	214
1660. Pardini (by Executive request): Providing interim financial resources for common school support and providing state supplemental payments for school excess levies	214
1661. Adams, Bagnariol, McCormick, Wojahn, Fortson, Haley, Hendricks, Bauer: Revising laws relating to public assistance	214
1662. Pardini (by Executive request): Making appropriations and providing for the distribution thereof for the support of the common schools	214
1663. Hayner: Providing an alternative method of giving notice of a materialman's lien	214
1664. Zimmerman, Brown: Imposing surtax on public utility taxes	214
1665. Zimmerman, Brown, Bauer, Blair, McKibbin, Laughlin: Imposing gross income tax; exempting food from sales tax; increasing business and occupation tax	215

SUBJECT AND HISTORY OF HOUSE JOINT RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Intro. & 1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action by House	Report from Senate	Signed by Speaker	Signed by Pres. Senate	Action by Gov.
5. King, Hayner (by Constitution and Elections request): Amending the Constitution to change the amendment process thereof			599	599					
12. Polk, Luders, Brown, Fortson, Bender, Bauer, Curtis, Kraabel, Kuehnle, Dunlap, Freeman, Hayner, Bond, Deccio, Berentson, Ehlers, North, Randall, Gilleland, Laughlin, Nelson, Sherman: Amending the Constitution to permit two year special levies									361
15. Thompson, Wilson, Bauer, Laughlin, Zimmerman: Amending the Constitution to authorize approval of special levies by majority vote and permitting a single election in each twelve month period		179	234, 298, 310	310, 311					83
25. King, Erickson, Laughlin, Bagnariol, Blair, Brown, Charnley, Gaines, Haley, Lux, Maxie, North, Paris, Peterson, Valle, Whiteside: Proposing for submission to people the need for a constitutional convention to revise the Constitution in accordance with guidelines set down by this session of the legislature			300, 321	324, 343	343				
28. Savage, Conner, Brown, Lee: Establishing annual sessions of 100 days maximum		697	748						
28. (Substitute) Constitution and Elections: Establishing annual sessions of 100 days maximum			748- 750	751					

62. Leckenby, Bauer, Blair: Amending the Constitution to authorize a state income tax	33					
63. Haussler, Lee: Amending county "home rule" authority	67	106	281			
64. Haussler, Lee: Establishing alternate methods for the framing of county "home rule" charters	67	107	236	265, 533	533	535 565
65. Randall, Pardini, Sommers, Hurley (Margaret), Polk, Paris, Hayner (by Parks and Recreation Commission request): Amending the Constitution to permit current use assessment of designated historic sites and improvements thereon	67	298	399	400	116	
66. Kalich, North, Adams, Bauer, Bausch, Charnley, Douthwaite, Dunlap, Fischer, Gaines, Haley, Hayner, Hendricks, Lee, McCormick, Paris, Sherman, Zimmerman: Amending the Constitution to require fifty-five percent majority approval of excess property tax levies	68		791, 813	813	786	
67. Sommers, Bender: Amending the Constitution to authorize the expenditure of public funds for public purposes	68				116	
68. Erickson, Gaspard, Ehlers, Hanna, Parker: Moving the question of drafting a new county charter back to the primary election, and electing freeholders at the general election . .	90					
69. Chandler, Erickson, Paris, Curtis, Lee, Matthews, Tilly: Limiting tenure in a state elective office to twelve years	90					
70. Curtis, Polk, Freeman, Hansey, Greengo, Whiteside, Lee, Paris, Wilson, Hendricks, Matthews, Hayner, Patterson, Leckenby,						

78. Dunlap, Bauer, Freeman, Conner, Berentson, Leckenby, Hayner, Barnes, Ceccarelli, Wojahn, Bender, North, Sommers, Hanna, Erickson, Curtis, Pardini, Douthwaite: Amending the Constitution to authorize school maintenance and operations excess levies for two year periods by majority voter approval at a general election	177		
79. Smith (Rick), Hayner, Zimmerman, Laughlin: Prescribing restrictions on judges' activities	185		
80. Smith (Rick), Hayner, Zimmerman: Providing an alternative method for selecting the chief justice and assistant chief justice	185		
81. Smith (Rick), Zimmerman: Increasing authorized number of court commissioners	185		
82. Smith (Rick), Hayner, Zimmerman: Establishing a judicial qualifications commission	185		
83. Zimmerman, Laughlin: Providing for the selection and tenure of judges	185	396,	
84. Randall: Pertaining to revenue and taxation	185	796	901
85. Randall: Pertaining to revenue and taxation	185		
86. Randall: Pertaining to revenue and taxation	185		
87. Randall: Pertaining to revenue and taxation	185		
88. Pardini: Authorizing state income tax with limitations and limitations upon other taxes	204		
89. Knowles, Pardini, May, Kuehnle, Bond, McCormick: Amending constitutional provisions regarding jury trials	204		
90. Moon, Hawkins, Erickson, Sommers, Thompson: Authorizing a state income tax	204		

SUBJECT AND HISTORY OF HOUSE JOINT RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Intro. & 1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action by House	Report from Senate	Signed by Speaker	Signed by Pres. Senate	Action by Gov.
91. Bauer: Amending the Constitution relating to education									204
92. Bond, Hurley (Margaret), Schumaker, Polk, Kuehnl: Joint resolution directing impeachment of Judge Solie M. Ringold									215

SUBJECT AND HISTORY OF HOUSE CONCURRENT RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Intro. & 1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action by House	Report from Senate	Signed by Speaker	Signed by Pres. Senate	Action by Gov.
36. Charette: Notifying the Governor that the Legislature is organized	2		2	2		3	3	3	
37. Eikenberry, Polk, Newhouse, Hansey, Curtis: Concluding the 2nd extraordinary session and limiting session to consideration of SHB 866	11				5				
38. Hanna: Directing the department of social and health services to issue clear and uniform criteria and requirements for human service programs	26								
39. Charette: Recess to September 5, 1975 ...	28		28	29		31	31	31	
40. Kuehnle, Dunlap, Polk, Deccio, Hayner, Haley, Gilleland, Pardini, Curtis, Chandler, Berentson, Freeman, Nelson, Schumaker, Brown, Patterson, Matthews, Bond, Leckenby, Zimmerman, Wilson, Juelling, Lee, Hansey, Flanagan, Peterson, Whiteside, Paris, Greengo (by Executive request): Setting forth legislative declaration urging defeat of Initiative 314	43		43- 45						
41. Kilbury, Boldt, Amen, Deccio, Tilly, Laughlin: Supporting WSU agricultural research center	68								
42. Charette: Joint session to receive message from the Governor	54		54	55		81	81		

43. Charette: Reintroducing bills from the first extraordinary session of the 44th legislature	55	55	55	85	86	99
44. Charette: Joint Session for purpose of canvassing vote for secretary of state	123	123	123	139	139	158
45. Hanna, Deccio, Fischer, Peterson, Becker: Resolving that certain changes be implemented in the Washington state correctional system	130	429				
46. Becker, Peterson, Fischer, Deccio, Hanna, Adams: Resolving that certain changes be implemented in the office of juvenile rehabilitation of DSHS	130	333	872			
46. (Substitute) Social and Health Services: Resolving that certain changes be implemented in the office of juvenile rehabilitation of DSHS			872	872		
47. Randall, Sommers: Directing that the department of revenue, other agencies, and legislative staff personnel undertake a study of the state and local energy tax system	204	298				
48. Becker: Directing the House and Senate local government committees to conduct a study of certain problems and responsibilities of border towns	204					
49. Kilbury, Sherman, Becker: Declaring the policy of conserving and protecting agricultural lands for the production of food and other agricultural products	215					
50. Newhouse: Suspend ESCR 125 for consideration of HB 1544	393	393,604	604	826	827	840
51. Valle: Suspend ESCR 125 for consideration of HB 1612	393	393,605	605	748	752	759

60. Parker, Eikenberry, Gaines, Dunlap,
Haussler, Knowles, Jastad, May, Paris,
Hansen, Amen, Hurley (Margaret), Hansey,
Kalich, Chandler, Greengo, Pardini,
Leckenby, Berentson, Wilson, Polk,
Schumaker, Peterson, Matthews, Bond, Smith
(Rick), Haley, Deccio, Hayner, Juelling,
Flanagan, Fortson, North, Adams, Wojahn,
Martinis: Notifying the Governor the legisla-
ture is ready to adjourn sine die

SUBJECT AND HISTORY OF HOUSE FLOOR RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Introduced	Adopted	Rejected	Other Action
58. Charette: Directs the Speaker to appoint a three member committee to notify the Senate that the House is organized and ready for business	2	2		
59. Charette: Authorizes the payment of salaries and operating expenses of the House for the second extraordinary session	2	2		
62. Charette: Directs the suspension of per diem allowances for members of the House as of 12:00 o'clock midnight July 21, 1975 until Friday, September 5, 1975, unless authorized by the Speaker of the House	23	25		
63. O'Brien, King, Seeberger, Charnley, Blair, Gaines, Moon, Clemente, Conner, Sommers, Cochrane, Lysen, Kilbury, Charette, Valle, Hurley (George), Gallagher, Thompson, Wojahn, Lux, Pardini, Bagnariol, Bauer, Maxie, Douthwaite: Commends Justice Douglas on the occasion of his retirement	148	148		
64. Bauer, McKibbin, Laughlin, Paris, Thompson, Zimmerman: Requests Veterans' Administration to permit Vancouver to retain its veterans' hospital facilities to serve the veterans of the state	149	149		
65. Conner, O'Brien, Newhouse, Curtis, Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler, Charette, Charnley, Clemente, Cochrane, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley (George), Hurley (Margaret), Jastad, Jueling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Luders, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Nelson, North, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shinpoch, Smith (Edward), Smith (Rick), Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman: Extends sympathy to family on death of Representative Charles R. Savage	116	117		

66. Maxie, Moreau, Charnley: Suggests that the community college district boards adopt the State Board for Community College Education's guidelines regarding services and activities fees	266	267	267
67. Gallagher: Petitions the President and Congress of the United States to enact specified emergency measures to insure full employment of the nation's labor force under conditions of economic recovery	267		269,383
(Unnumbered) Bauer, Becker, Bender, Boldt, Charnley, Clemente, Cochrane, Douthwaite, Ehlers, Eng, Erickson, Fischer, Hanna, Haussler, Hawkins, Hurley (George), King, Laughlin, Lux, Lysen, Kilbury, May, McKibbin, Moon, Moreau, Randall, Seeberger, Sherman, Shipoch, Smith (Rick), Sommers, Valle, Williams: Declaring the office of Speaker of the House vacant	167		168
68. Moon, Clemente: Congratulates Helen Thayer for her outstanding athletic accomplishments and extends wishes for success in her representation of the United States at the Olympic Games in the luge event	379	379	379
73. Hurley (George), Pardini: Commemorates the life and contributions of Abraham Lincoln on the occasion of the anniversary of his birth	419	419	
75. Conner, Bender, Charette, Bauer, Thompson, Wojahn, McCormick, Martinis, Gaines: Joins with the Veterans of Foreign Wars in the endorsement for the National Parade	887	887	
80. Eikenberry, Berentson, Kalich: Authorizes the appropriate standing committee to conduct a feasibility study of restoring the San Mateo ferry for service on Puget Sound	887		888
83. Douthwaite, Charette, Conner, Fortson, Wojahn, McCormick, Adams, Becker, Osterman, Blair, Gaspard, Leckenby, Valle, Hawkins, Haley, Ehlers, Zimmerman, Greengo, Thompson, Peterson, Parker: Urges the immediate designation of Puget Sound as a National Marine Mammal Sanctuary	888	889	888
84. Zimmerman, Bauer, Freeman, Curtis, McKibbin, Pardini, Osterman, McCormick: Commends the volunteers of Washington state for their dedication and service, and declares the week of May 16 to 23, 1976, to be Volunteer Week 1976	889	890	
90. Thompson, Newhouse: Creates the five member Executive Rules Committee	896	899	897,898
91. Laughlin, O'Brien, Bausch, Hendricks: Urging cooperation with the State Capitol Association regarding the bicentennial	953	954	
92. Thompson, Newhouse: Directs that a committee of three be appointed to notify the Senate that the House is about to adjourn sine die	965	965	

SUBJECT AND HISTORY OF HOUSE FLOOR RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Introduced	Adopted	Rejected	Other Action
93. Thompson, Newhouse: Directs that all bills in possession of the Chief Clerk, committees or committee clerks be indefinitely postponed	966	966		
94. Charnley, Brown, Eng, Maxie, Lux, Cochrane, Peterson, Kilbury: Directs the Council for Postsecondary Education in its compliance with Senate Floor Resolution No. 232 to consider the need and feasibility of replacing any or all of the closed departments of education	954	954		
95. Charette, Adams, Amen, Bagnariol, Barnes, Bauer, Bausch, Becker, Bender, Berentson, Blair, Boldt, Bond, Brown, Ceccarelli, Chandler Charnley, Clemente, Cochrane, Conner, Curtis, Deccio, Douthwaite, Dunlap, Ehlers, Eikenberry, Eng, Erickson, Fischer, Flanagan, Fortson, Freeman, Gaines, Gallagher, Gaspard, Gilleland, Greengo, Haley, Hanna, Hansen, Hansey, Haussler, Hawkins, Hayner, Hendricks, Hurley (George), Hurley (Margaret), Jastad, Juelling, Kalich, Kilbury, King, Knowles, Kuehnle, Laughlin, Leckenby, Lee, Lux, Lysen, Martinis, Matthews, Maxie, May, McCormick, McKibbin, Moon, Moreau, Morgen, Nelson, Newhouse, North, O'Brien, Osterman, Pardini, Paris, Parker, Patterson, Perry, Peterson, Polk, Randall, Sawyer, Schumaker, Seeberger, Sherman, Shipoch, Smith (Edward), Smith (Rick), Sommers, Thompson, Tilly, Valle, Warnke, Whiteside, Williams, Wilson, Wojahn, Zimmerman: Expressing condolences to the family of Judge Robert Corpening Finley	963	964		
96. Valle, Lux, Hawkins, Becker, Freeman, Zimmerman, Barnes, Dunlap, Chandler, Laughlin, Bender, McKibbin, Eng, Douthwaite, North: Law of the Sea Conference to adopt universal agreement	964	964		

SUBJECT AND HISTORY OF SENATE BILLS IN THE HOUSE

NUMBER, AUTHOR AND SUBJECT	Rec'd from Senate	1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action in	Signed by Pres. Senate	Signed by Speaker House	Action by Gov.
2006. (Substitute) State Government: Creating a state department of veterans' affairs	869, 909				910	869, 910			Veto Override Ch. 115
2036. (Substitute) State Government: Providing legislative review of agency rules	216	216	595, 624, 681	742	743		788	788	Ch. 101
2038. (Substitute) Ecology: Regulating environmentally hazardous wastes	338	339	681	742	743		788	788	Ch. 101
2044. Rasmussen, Odegaard: Regulating the creation and combination of agencies and departments by the executive	221	221							
2060. Donohue, Odegaard, Marsh, Woody, Newschwander, Morrison (by Legislative Budget Committee request to implement performance audit recommendations): Reconstituting purchasing and material control in state government	284	284	381	456	456		498	500	Ch. 21
2088. (Substitute) Natural Resources: Requiring license for smelt dealers	338	339	407	447	447		498	500	Ch. 40
2130. (Substitute) Ecology: Adding provisions for recovery and recycling to litter control and solid waste collection laws	257	257	358	422	423		502	506	Ch. 41
2135. Sellar, Jolly: Establishing requirements and duties of a public utility district of the first class	338	339	394						

SUBJECT AND HISTORY OF SENATE BILLS IN THE HOUSE

NUMBER, AUTHOR AND SUBJECT	Rec'd from Senate	1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action in	Signed by Pres. Senate	Signed by Speaker House	Action by Gov.
majority or two-thirds majority in certain cases	338	339	429	566	567		583	593	Ch. 63
2495. (Substitute) Natural Resources: Enlarging the scope and duties of the department of natural resources as regards surveys and maps	339	340							
2537. Walgren: Relating to motor vehicles	753	758		758,761	761		788	788	Ch. 102
2635. (Substitute) State Government: Authorizing the department of personnel to appoint hearing examiners	339	340	418	448	448		498	501	Ch. 43
2660. North, Bluechel: Permitting nature conservancies to acquire open space for public use	339	340	390	459	460		498	501	Ch. 22
2689. (Substitute) Education: Regulating school-related photography services	339	340	419	504- 507	609	621			
2742. Sandison, Newschwander: Authorizing duty related benefits for disabilities for university and state college sworn police officers .	664	666		669	669	666	680	680	Ch. 81
2778. (Substitute) Ways and Means: Relating to revenue and taxation	871	871	902	905,908	908	908			
2786. (Substitute) Education: Mandating rules and regulations for disciplining, suspending or expelling of students in the common schools .	304	304							
2927. (Substitute): State Government: Relating to state government	944	945							

SUBJECT AND HISTORY OF SENATE BILLS IN THE HOUSE

NUMBER, AUTHOR AND SUBJECT	Rec'd from Senate	1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action in	Signed by Pres. Senate	Signed by Speaker House	Action by Gov.
recreational establishments at agricultural fairs from the provisions of the minimum wage law	339	340	444		424,				
2989. Beck, Wilson, Guess: Making changes in the laws relating to election schedules	257	257	391	423	623, 839	495, 821	870	871	Ch. 111
2990. Wanamaker, Henry, Sellar: Imposing a tax on coin-operated gaming devices	339	340	391	424	424		431	431	Vetoed
2994. Select Committee on Education: Permitting association formed by schools under Interlocal Cooperation Act for purchases of school supplies and equipment to mortgage property	139	140	359	369	369		498	501	Ch. 23
2995. Select Committee on Education: Mandating school achievement surveys for grades 4, 8 and 11 directed by office of superintendent of public instruction and making appropriation therefor	125	130							
2996. (Substitute) State Government: Removing election day as a state holiday	355	355	383	424- 426	426		498	501	Ch. 24
3000. Odegaard: Authorizing counties to offer rewards for information about crimes against county property	339	340	383	448	448		465	479	Ch. 25
3001. (Substitute) Local Government: Adding retired members to the firemen's relief and pension boards	367	367	383	452	453		465	479	Ch. 44

3002. Select Committee on Education: Implementing law relating to contracts of school district certificated employees	173	177				177			
3003. (Substitute) Ecology: Adding new provisions to laws relating to archaeological resources.....	339	340	381	426,446	446,603	366,531	662	662	Ch. 82
3007. (Substitute) Labor: Authorizing coverage of volunteer law enforcement officers under the industrial insurance laws	355	356	384						
3009. Select Committee on Education: Implementing law relating to contract bidding procedure for school districts	216	216	285	370	370		498	501	Ch. 26
3017. McDermott, 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	355	356		785	785	772	788	788	Ch. 93
3019. Day, Lewis (Harry), McDermott, Buffington: Establishing geriatric day service program	355	356							
3023. Select Committee on Education: Striking certain pupil ratio requirements otherwise necessary to receive state aid for school districts	173	177				496			
3024. Select Committee on Education: Contracts for general services	182	185							
3025. Select Committee on Education: Mandating school districts to set forth policy for reduction-in-force of school personnel	182	185	359	420- 422	683	787, 790			
3026. Select Committee on Education: Learning objectives	182	185	359	371- 373	373, 665	495,531, 629,665	726	726	Ch. 90

SUBJECT AND HISTORY OF SENATE BILLS IN THE HOUSE

NUMBER, AUTHOR AND SUBJECT	Rec'd from Senate	1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action in	Signed by Pres. Senate	Signed by Speaker House	Action by Gov.
general election ballot irrespective of whether one obtained more than a majority of the votes for the position in such primary	355	356							
3074. Beck, Peterson, Talley: Requiring state franchising for county ferries receiving federal aid.	339	341	484	570	570		588	593	Ch. 65
3076. Van Hollebeke, Scott: Increasing statutory attorney's fees	355	356	392	451	451		465	479	Ch. 30
3077. Talley (by Board of Pilotage Commissioners request): Revising qualifications for pilots in state waters	771	772	812	835	836	295, 318, 334, 342, 347			
3081. Donohue, Benitz, Jolly, Marsh, Day, Wilson, Guess, Sellar: Directing that agricultural uses be emphasized in granting permits	295	295	392						
3091. Goltz (by Superintendent of Public Instruction request): Implementing law relating to certification of personnel employed in the common schools.	587	587	625	683	684		726	726	Ch. 92
3094. Wilson, Waigren, North, McDermott, Bluechel, Jolly, Morrison: Establishing the Washington library network	355	356	395	451	451		498	501	Ch. 31
3097. (Substitute) State Government: Requiring consideration of economic factors resulting from government decisions	355	356	871	883- 886	886		894	896	Ch. 117

SUBJECT AND HISTORY OF SENATE BILLS IN THE HOUSE

NUMBER, AUTHOR AND SUBJECT	Rec'd from Senate	1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action in	Signed by Pres. Senate	Signed by Speaker House	Action by Gov.
wing civil air patrol	587	587	596	609	609		629	629	Ch. 73
3172. (Substitute) Transportation and Utilities: Creating the state energy policy commission ..	431	431	611	652,653- 662	662, 811	651,694, 771,798	827	827	P.V. Ch. 108
3185. (Substitute) State Government: Relating to state government	355	357							
3226. (Substitute) Education: Relating to edu- cation	900	901		901	902		913	913	Ch. 124
3233. (Substitute) Select Committee on Médi- cal Malpractice: Providing for liability insur- ance for the University of Washington against certain claims	257	257	359	374	374		385	385	P.V. Ch. 12
3246. (Substitute): Ways and Means: Making changes in the laws relating to retirement sys- tems authorized pursuant to general laws of the state	761	761		761,774- 784	784	773	827	827	Ch. 105
3247. Talley: Authorizing volunteer fire depart- ments to increase their membership by the number of firemen obtaining and maintaining emergency medical training qualifications	367	367	385	536	537		588	593	Ch. 67
3254. (Substitute) State Government: Forbid- ding force or coercion in soliciting political contributions	284	284							
3257. Donohue: Allowing retirement benefits of the teachers' retirement system to be paid from interest earnings on the pension reserve fund	464	464		667	667	666	680	680	Ch. 85

3261. Rasmussen (by Lieutenant Governor request): Relating to state government	562	563	662	685- 688	812	602	870	871	Ch. 104
3267. (Substitute) Higher Education: Implementing 1975 vocational education act	594	595	625	684	685	601	722	722	Ch. 86
3268. (Substitute) Ways and Means: Changing the accrual period at the close of the biennium	594	595		598	598	598	629	629	Ch. 70
3271. (Substitute) Commerce: Establishing the business coordination act	367	367		538	539	379	588	593	Ch. 68
3274. (Substitute) Transportation and Utilities: Authorizing toll bridge authority to guarantee payment of bond for public facilities reasonably related to improvement of ferry systems	355	357	455	573	573		588	593	Ch. 69
3278. Donohue (by Department of Social and Health Services request): Authorizing general assistance for categories of unemployed, employable persons	753	758							
3281. Newschwander: Repealing the laws relating to narcotics addiction and the laws relating to the state narcotic farm colony	741	742	772	789	790		794	794	Ch. 103 951

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NUMBER, AUTHOR AND SUBJECT	Rec'd from Senate	1st R'd'g	Commit- tee Report	2nd R'd'g Amend- ments	3rd R'd'g Final Passage	Other Action in	Signed by Pres. Senate	Signed by Speaker House	Action by Gov.
136. Clarke: Amending the Constitution to authorize additional property tax support for the common schools and equalizing school excess levies	895	896				970			
137. Select Committee on Education: Allowing excess levies for school district purposes to be for two-year period	182	186	368	592	593	588	597	597	
139. (Substitute) State Government: Amending the Constitution to permit all legislators to receive the same salary in 1977	741	742	788, 872	953	953		965	965	

Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (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, Woody: Declaring August 20-26 to be American Legion Week	664	666	666	666	680	681
134. Rasmussen: Suspension of Rules for Sub- stitute Senate Bill No. 2927	944	945				
135. Henry, Walgren, Morrison, Guess: Requesting contest by legislature of governor's vetoes of SSB No. 3172	944	945	945,946	947	948	952
136. Walgren, Lewis (Harry), Bailey, Mardesich, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Lewis (Bob), Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Woody: Notifying the Governor that the Legislature is about to adjourn sine die	945	946	966	966	964	966

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